

LICENSING COMMITTEE (NON LICENSING FUNCTIONS)

Agenda Item 17

Brighton & Hove City Council

Subject:	Wheelchair Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators		
Date of Meeting:	22 November 2012		
Report of:	Head of Planning and Public Protection		
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Ward(s) affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report progress on the development of a Wheelchair Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators.

2. RECOMMENDATIONS:

- 2.1 That Committee note progress being made in the development of a Wheelchair Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators and that officers report back to committee when complete.
- 2.2 That Members endorse continued consultation and development of an accessibility policy: current work is reflected in draft at appendix 1.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Officers are working towards a stand alone wheelchair accessibility policy for hackney carriage and private hire, drivers, vehicles and operators. Appendix 1 shows the progress so far. Officers are consulting members of the Brighton & Hove Hackney Carriage & Private Hire Consultation Forum which includes members of the trade, unions, Police and disability groups to obtain a consensus on a final policy document.
- 3.2 Currently The Council's wheelchair accessibility policy is contained in the "Blue Book" which was designed to combine many bye laws, conditions, advice and information for hackney carriage and private hire drivers, vehicles and operators previously in various and separate forms and was first approved by committee in February 2007. It is a useful aid to officers in explaining the council's requirements to existing and potential drivers, proprietors, operators and guidance to garages carrying out fitness and compliance tests on behalf of the council.
- 3.3 The 2nd edition was approved by committee on the 23rd June 2011.

- 3.4 The Fed Centre for Independent Living wish to see the wheelchair accessibility policy as a stand alone document as they believe that it would aid clarity to hackney carriage and private hire drivers, vehicles and operators and their service users.
- 3.5 In addition to current wheelchair accessibility policy the proposed policy also includes changes in three areas.
- Changes to the type of wheelchair accessible vehicles the council will licence - as a minimum vehicles must be able to accommodate the standard NHS manual wheelchair, standard NHS electric wheelchair, Invacare Harrier electric wheelchair or latest equivalent
 - The Council will aim to achieve a minimum of 60:40 rear-loading: side-loading vehicles - The Council may have to, from time to time; insist on rear-loaders if there is significant deviation from this target
 - Compulsory training for drivers of wheelchair accessible vehicles
- 3.6 The following wheelchair accessible vehicles have been confirmed as being able to accommodate the standard NHS wheelchair and the Invacare Harrier.

Side Entry

Peugeot E7, Peugeot Eurotaxi, Mercedes M8, Mercedes Vito, LTI – Vehicles.

Rear Entry

Peugeot Premier, VW Kudos / Caddymax and the Peugeot Independence.

The basic dimensions for the reference wheelchair and the Powered Harrier is below:

	Harrier	Reference Wheelchair
Overall length	1040mm	1200mm
Overall width	660-760mm	730mm
Height	980mm	980mm

- 3.7 There are currently 31 rear loading wheelchair accessible vehicles out of 167. To reach the 60:40 requirement that The Fed Centre for Independent Living are suggesting it would need an additional 173 plates to be issued. At 5 per year this would take 35 years to achieve the 60:40 split.
- 3.8 The trade although sympathetic for additional rear loading wheelchair accessible vehicles to meet the need of powered wheelchair users they feel it would be unfair to restrict an individual proprietor’s choice of vehicle. A restriction of choice may jeopardise an individuals business plan especially in a recession. The main

operators report that they require side loading vehicles for a number of passengers that cannot use a rear loader and in some cases need parallel ramps as these are stronger than single ramps.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The amendments have been discussed at several meetings of the Brighton and Hove Hackney Carriage and Private Hire Consultation Forum.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

Revenue: Any costs associated with changes in respect of the Wheelchair Accessibility Policy have been met from within existing Taxi Licensing revenue budgets.

Finance Officer Consulted: Name Karen Brookshaw Date: 12/10/12

5.2 Legal Implications:

The Council is not statutorily required to produce a Handbook for Hackney Carriage and Private Hire Drivers, Vehicles and Operators. However, it is a useful way of imparting information to the existing trade and potential drivers, proprietors and operators. A Wheelchair Accessibility Policy will assist the trade in meeting its obligations under the Equality Act, 2010, once the relevant provisions are in force.

Lawyer Consulted: Name Rebecca Sidell Date: 07/11/2012

5.3 Equalities Implications:

Many decisions made by the Licensing Committee have been in support of the council's Single Equality Scheme objective to improve disabled people's access to hackney carriage and private hire services, and these have now been incorporated in The Blue Book. As a result of the Equality Impact Assessment of Taxi/Private Hire Licensing, changes have been made that positively impact on equality and inclusion generally.

Sections 160/172 of the Equality Act 2010 (commonly known as The Taxi Provisions) have not yet been fully implemented and will be the subject of an amendment to the Blue Book at the appropriate time. However, the Committee decided in February 2011 to compile a list of Designated Wheelchair Accessible Vehicles in accordance with Sec 167.

5.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates

important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

5.5 Crime & Disorder Implications:

Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime and increasing the safety of passengers and drivers.

5.6 Risk and Opportunity Management Implications:

The transport industry should be safe, profitable and be a positive experience for residents and visitors.

5.7 Public Health Implications:

None

5.8 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Consideration to providing / sourcing a separate booklet is being undertaken for accessibility advice.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To report progress to members on the development of a Wheelchair Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Wheelchair Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators

Documents in Members' Rooms

1. None

Background Documents

1. None

Appendix 1

LICENSING POLICY

Wheelchair Accessibility Policy for Hackney Carriages

Note: This policy must be read in conjunction with the Council's Blue Handbook for Hackney Carriage and Private Hire Drivers, Vehicles and Operators 2nd Edition.

Background

The Equality Act 2010 requires the providers of public transport services, including the drivers and operators of taxis and private hire vehicles, to ensure people with disabilities are not discriminated against (or treated less favourably). Failure to comply with these duties may lead to any aggrieved person taking legal action in the courts against the driver and operator.

In order to help achieve these duties, the Council has adopted the following as being good practice as well as what it sees as being necessary to support the requirements of the Equality Act 2010.

Vehicle Suitability

Vehicles which conform to the Conditions of Fitness as prescribed by Transport for London, (i.e. purpose built London type hackney carriage vehicles), or vehicles that are M1 ECWVTA (EC Whole Vehicle Type Approved) and wheelchair accessible, must be new at first licensing. All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.

The vehicle must also have a single ramp which can accommodate all four wheels of a wheelchair to load and unload persons wishing to travel in the vehicle whilst remaining seated in their wheelchair. The vehicle must be of a size and comfort as decided by the Head of Regulatory Services, Planning and Public Protection and as a minimum it must be able to accommodate the standard NHS manual wheelchair, standard NHS electric wheelchair, Invacare Harrier electric wheelchair or latest equivalent, at least two carers and have sufficient luggage space for the maximum number of passengers permitted on the licence and be physically separated from the passenger seating. The Council will maintain a list of approved vehicles.

Any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer. Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Head of Planning and Public Protection, where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.

Rear-loading and side-loading vehicles will be permitted and designated as either Class RL or Class SL. Class RL is rear-loaders and Class SL is side-loaders. The Council will permit a mixed fleet of wheelchair accessible vehicles. However, rear-loaders are the preferred type. If the applicant requests a vehicle which is not in Class RL to be licensed the applicant is required to submit in writing (which can include e-mail) to the Council as licensing authority an application explaining why. The Council will aim to achieve a minimum of 60:40 rear-loaders: side-loaders. The Council may have to, from time to time; insist on rear-loaders if there is significant deviation from this target. Where possible this will be through discussions with the trade but it may be necessary for the Council to specify a specific class. However, applicants will have a right of appeal to the Courts.

In order to determine the suitability of a vehicle, it may be necessary for any vehicle to undergo a practical test to confirm suitability and class. Testing will include the types of wheelchair that can access the vehicle, any physical restrictions (e.g. having to lower their head to access the vehicle, excessive length ramps) and head height in the vehicle. Only vehicles on the approved list will be licensed as a wheelchair accessible. The Head of Regulatory Services Planning and Public Protection, to consult with the Fed Centre for Independent Living and the trade, types and models of vehicles that are accepted as wheelchair accessible.

Vehicles with sliding doors must have an audio warning when the doors are open. Extra handles be fitted in a position above the steps at the rear side entrances to the vehicle to assist passengers when getting into and out of the vehicle. A suitable additional step must also be provided at the rear side entrances to the vehicle. All vehicles must have CCTV installed and operated and maintained in accordance with the requirements of the Head of Regulatory Services, Planning and Public Protection.

The council will maintain a list of wheelchair-accessible hackney carriages and private hire vehicles in accordance with Sec 167 Equality Act 2010. All vehicles will be included in this Designated List if they conform to the accessibility requirements in force at the time.

The drivers of wheelchair accessible hackney carriages are required to have completed a training course approved by the Head of Regulatory Services, Planning and Public Protection on the embarking, disembarking and safe carriage of passengers in wheelchairs and must provide proof of training to the Council.

Guidance from the Department for Transport Regarding Wheelchair Accessible Vehicles

Vehicles should normally meet the requirements set out below. Any vehicle that does not meet these requirements may be considered on its own merits.

Ergonomic Requirements for Wheelchair Accessible Vehicles

The department for transport commissioned ESRI and Ricability to undertake research on the ergonomics of taxi design that would make taxis available to the largest number of disabled people and has issued the following guidelines. Licensed vehicles are expected to meet or exceed these guidelines.

Taxis Ramps

A steep ramp can make accessing a taxi difficult for wheelchair users; it may also represent a hazard for their assistants and taxi drivers. An ideal design would involve level entry from the kerb. If a gradient is required it should be less than 7°. Ramps should not provide an obstacle for pedestrians on the pavement and their length should be restricted to 1000mm. It is also important that ramps have a safety lip (50mm), are the same width as the door opening and comprise a single non-slip surface. Their edges should be highlighted to reduce the risk of trips.

Steps

Some people cannot manage even a single step and may need a ramp with a gentle gradient if level entry isn't possible. If steps are necessary they should be restricted to a single step that is 100mm high. The steps should be the width of the door entry and be closed at the back without an overhang to reduce the risk of tripping.

Doors and Door apertures

Narrow doors and a low head clearance can cause significant difficulties for ambulant passengers and wheelchair users. A door width of at least 850mm will provide adequate clearance for wider wheelchairs and walking frames. A door height of 1595mm is required to prevent painful stooping and to minimise the risk of a head strike for passengers with visual impairments. While hinged doors can provide a valuable form of support for passengers entering or leaving a vehicle, opening and closing them from the inside can be difficult for seated passengers and larger doors become a potential hazard for pedestrians on the pavement. Sliding doors can provide a large opening but secure latching must be ensured. Powered closure is now available in some vehicles and, if under the driver's supervision, this may provide an effective solution. Sliding doors are often associated with more generous door apertures but care must be taken to ensure that opening and closing efforts are kept below 70N. Again, powered closure may provide an effective solution. There are advantages and disadvantages associated with wheelchair access from the side and rear of a vehicle. Side access does not require wheelchairs to negotiate a kerb or enter the carriageway and enables shallower ramp angles from the pavement. Rear access may be the most practicable means of access in non-urban environments. It may also enable simpler manoeuvres to a secure travelling position inside the vehicle but may not be possible from a taxi rank or kerbside. The requirements outlined above (ramps and door size) are applicable in both cases.

Passenger Compartment

As low seats can be difficult for passengers with stiff or painful joints to use seat heights need to be between 430mm - 460mm from the floor and the squab should not have a pronounced angle. In order to accommodate passengers with limited leg flexibility a space of at least 1176mm between the seat back and any forward obstruction is required. A swivel seat (preferably powered) can provide a valuable alternate means of entry for passengers who find even a low single step difficult to negotiate. It is important that such seats provide a sense of security for the passenger while they are in operation and that they are large enough to provide a secure and comfortable ride. An interior roof height of at least 1625mm (ideally 1825) is required. If internal space is limited then it is

important that passengers can access seats as directly as possible from an entrance. If there is a more generous provision (as when wheelchairs can also be accommodated in front of the passenger seats) it is important that there is sufficient internal height to prevent the need to stoop. Adequate provision of grab handles is an important requirement in either case. Manoeuvring space measuring' to identify that this research is referring to manoeuvring space only and has not considered the kinematics of a wheelchair occupant during a vehicle impact at least 1300mm by 1340mm is required. This assumes that the wheelchair will be carried facing backwards and there is a side entrance. If the wheelchair is to face forwards then a slightly larger manoeuvring space is required. The position of the side door affects the manoeuvring space required and for forward facing carriage the manoeuvring space is minimised if the door way is set back from the main bulkhead.

Handles and Grab Handles

Door handles that allow the passenger to use their whole hand to exert leverage and a range of opening strategies are preferable. Handle operation and latching efforts should be minimised to assist passengers who have limited upper body strength. Grab handles play an important role in supporting access and providing stability support whilst passengers are inside a vehicle. The precise location will be dependent on the design of the vehicle and, in particular, the means of entry (i.e. step, ramp, swivel seat etc). Handles should have a diameter of 40mm and surface clearance of 45mm. For standing passengers (travelling in other modes of public transport) a height of around 900mm is recommended. However, lower positioning is more appropriate for handles in taxis intended to assist passengers getting up from seats or children climbing into a vehicle. Horizontal handles are more helpful inside a vehicle but vertical handles are recommended for doorways.

Visibility and Lighting

For passengers with impaired vision feature and edge high-lighting can provide important assistance. The following features should be visually emphasised: exterior and interior door handles, step and ramp edges, door edges and door apertures, grab handles, seat edges and facilities provided to allow communication with the driver. Ambient lighting within the passenger compartment should be at least 150lux but higher levels of illumination may cause distraction for the driver and adaptation problems for some passengers alighting into a dark street. Brighter feature lighting (>200lux) is recommended for steps, the meter display and the communication window. In all cases lighting sources should be positioned so as to prevent shadowing.

Additional Information for Drivers

Duties to assist Passengers in Wheelchairs

Section 165 of the Equality Act 2010 deals with the imposition of duties on the drivers of designated wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs. Designated vehicles are those listed by the licensing authority under section 167 of the Equality Act 2010.

Designated Vehicles

A list of wheelchair-accessible hackney carriages and private hire vehicles will be maintained by the Council in accordance with Sec 167 Equality Act 2010.

All vehicles will be included in this Designated List if they conform to the accessibility requirements in force at the time.

The duties are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

NB Mobility assistance is assistance -

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Exemptions from the duties - Section 166 requires licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

Advice to drivers when carrying disabled passengers

Taxis are an important, and sometimes the only means of transportation for many disabled people.

It is important to remember that disabilities are not always visible. It may not be immediately obvious to you that the person has a disability or special requirements. Physical access for people who use wheelchairs is obviously important but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by disabled people is very important.

Vehicles, streets, the built environment and your operating practices, can all provide obstacles for disabled people. Never make assumptions, always ask what help (if any) a passenger may need from you. Make sure that you are familiar with any access and safety equipment in your vehicle. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist.

The following is some basic advice to assist you in giving the best service to your passenger.

Wheelchair Users

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Make sure that the brakes of the wheelchair are on during the journey.
- Secure the wheelchair with clamps or straps and suggest that the passenger uses the seat belt provided. You may also need to assist them with the seat belt.
- Avoid sudden braking or acceleration. Be careful when going over speed humps etc.
- Ensure that they travel forwards or backwards and never travel sideways in the vehicle.

Consider asking the passenger to move to a safer or more accessible pick-up/drop-off point nearby

These are important safety rules that apply to all wheelchair users whether manual or powered wheelchairs and you will need to carry out your own risk assessment to decide if it is safe to load and unload the passenger safely and whether you can do it on your own or need assistance from another driver. If you do need assistance the passenger will need to pay for both vehicles.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

Ambulant Disabled people

Whilst some disabled people may use crutches or sticks, many who have mobility difficulties, will not. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.
- If you have used a swivel seat, (as in purpose built London type hackney carriage vehicles) make sure it is locked back in position once inside the vehicle.

Blind or partially sighted Passengers

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the “TAXI” sign which may be held out by some visually impaired people in order to hail a cab.

- If you are knowingly collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and hoot your horn.
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping you just above the elbow will enable them to be guided more easily).
- Tell your passenger whether they are entering a saloon car or purpose-built cab.
- Demonstrate which way the doors open where appropriate.
- If possible, place a visually impaired person's hand on the open door and indicate the position of the roof.
- Make sure the passenger(s) know which way the vehicle is facing.
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt.
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion.
- Tell passenger(s) the fare and count out the change.
- Set the passenger(s) down in a safe place and make sure they know where they are going.
- Remember guide dogs and other assistance dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry an assistance dog without an exemption certificate is an offence under the Equality Act and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

Hearing Impaired Passengers

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face.
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing.
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going.

People with learning disabilities

In Brighton & Hove there is a scheme called Thumbs Up which includes ten tips for good customer service to people with learning disabilities. Some of these include

- Listen to the person
- Give the person extra time
- Use plain English
- Use pictures as well as writing
- If the person has a carer, talk to the person rather than the carer
- If you notice someone needs extra help, offer it
- Do your best to assist the person in using your taxi

Extra support, for example with shopping bags and making sure the person is safely inside their destination will always be appreciated. People with learning disabilities may also require assistance understanding money.

Maintenance of Vehicles

- Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

