

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ASSISTANT DIRECTOR OF REGULATION AND
ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**JUNE 2019
ALL WARDS**

REAR LOADING WHEELCHAIR ACCESSIBLE VEHICLES

1. Summary

- 1.1 The Licensing and Public Protection Committee does not currently have a policy in respect of wheelchair accessible vehicles (WAVs) used for private hire and so any prospective proprietor must attend a Licensing Sub Committee and seek individual permission for each and every vehicle he wishes to licence.
- 1.2 All hackney carriages are required to be WAVs, but they are required to be larger purpose built vehicles, with built in side loading ramps and a safety screen to separate drivers and passengers.
- 1.3 The report asks members to consider if they willing to consider the introduction of new policies which would facilitate the licensing of rear loading WAVs for the purpose of private hire and whether in light of the requirements of the Clean Air Zone (CAZ) they would consider relaxing the current standard for .hackney carriage vehicles to allow similar rear loading taxis to be licensed in Birmingham.

2. Recommendation

- 2.1 Members should consider the content of the report and decide if officers should be required to:
 - i. Consult on a policy to allow licensing of rear loading WAVs as private hire vehicles and, or:
 - ii. Consult on a policy to allow rear loading WAVs to be licensed as hackney carriage vehicles.

Contact Officer: Chris Arundel, Principal Licensing Officer
Telephone: 0121 464 8994
E-mail: chris.arundel@birmingham.gov.uk

3.0 Private Hire Vehicles

- 3.1 Birmingham City Council does not have a policy in place to set a standard for wheelchair accessible vehicles used in the private hire trade. In part this is because with an all WAV fleet of hackney carriage vehicles there has not been a high demand for such vehicles from the trade and most of those which have been before Sub Committees have been specialist vehicles required by operators to service specific NHS contracts.
- 3.2 There has been a reluctance to licence rear loading vehicles, in part, because hackney carriage vehicles are required to be side loading in order to avoid problems with wheelchair entry whilst the vehicles are on a taxi rank.
- 3.3 In contrast to hackney carriage vehicles, private hire vehicles are not allowed to sit on the ranks and as journeys are required to be pre-booked there is ample opportunity to agree a safe pick up and drop off point for the wheelchair passenger,
- 3.4 There are a wide number of purpose built vehicles available which are in some ways better fitted to the role than the side loading hackney carriages, not least because there is no need to rotate the wheelchair through 90 degrees to safely secure the passenger and the space available can be more appropriate for the securing of larger wheelchairs and wheelchairs with modifications which cannot fit into a conventional hackney carriage. The rear loading vehicles often have longer ramps and a less acute slope as a result, which makes access and egress easier for all concerned.
- 3.5 The licensing Service is starting to see a greater level of interest in licensing such vehicles than ever before, at a time when the level of provision of WAVS is likely to be reduced, as an estimated 50% of existing hackney carriage vehicles will not have their licences renewed after 31 December 2019.

4. Hackney Carriage Vehicles

- 4.1 The current basic requirement for hackney carriage vehicles is detailed below

Vehicles specifically adapted for wheelchair carriage which meet the M1 European standard. PolicyHCVSpec1

Any M1 vehicle adapted to be a hackney carriage where the adaptations are approved by the Vehicle Certification Agency (VCA) and the adaptations have VCA certification to European Whole

Vehicle Type Approval (EWVTA) or G/B/ Low Volume (Small Series) Type Approval. Policy HCVSpec2

The front seat of a hackney carriage vehicle will not be included in

the seating capacity indicated on the vehicle licence. Policy HCVSpec3

Any MPV or van derived M1 class vehicle to be licensed as a hackney carriage must be black in colour and must not be fitted with full-body advertising livery. Policy HCVSpec4

- 4.2 Additional requirements were covered in a report to the Licensing and Public Protection Committee on 21 November 2007. An extract from that report is attached at appendix 1. That report considered the type of vehicle to be employed in Birmingham as a hackney carriage and concluded vehicles should continue to be purpose built vehicles, side loading for wheelchair accessibility and should be equipped with safety screens, to separate the driver from the passenger compartment.
- 4.3 As mentioned above, perhaps as many as 50% of the existing hackney carriage fleet will be over fifteen years of age after 31 December 2019 and will not be eligible for renewal as licences expire.
- 4.4 Although concessions have been made to allow vehicles to continue in service until they reach fifteen years of age, most of those vehicles will qualify for the CAZ entry charge of £8.00 per day, so proprietors are likely to be seeking replacements. The majority of vehicles available on the second hand market will be diesel and of those, only Euro 6 compliant vehicles will escape the charges for the CAZ. .
- 4.5 Anecdotal evidence suggests demand from proprietors needing to replace a vehicle is keeping the second hand price of Euro 6 compatible vehicles artificially high.
- 4.6 Smaller rear loading wheelchair accessible vehicles are considerably cheaper than the larger side loading vehicles and could represent a much more affordable option for drivers needing to replace a vehicle, with models costing significantly less than the larger van derived equivalent. A typical rear loading WAV can be purchased new for around £23,000, compared with £45,000 for a larger van derived vehicle compatible with current requirements.

5 Safety and Operational Considerations

- 5.1 It is probably easier to secure passengers in rear loading as opposed to side loading WAVs. When the wheelchair enters from the side it should be turned around inside the vehicle so as to face forward or more usually backward according to the design of the vehicle. With many modern wheelchairs, particularly powered ones which can be large and bulky, it may not be possible to rotate the chair inside the vehicle and drivers may be tempted or pressured into carrying the passenger facing sideways. The tragic death of Razan Begum in February 2009 highlighted the potential dangers of doing so. Rear loading WAVs have the advantage of always allowing the wheelchair passenger to face forward during the journey.

- 5.2 Rear loading WAVs can potentially carry a wider variety of wheelchairs. People who use larger, powered wheelchairs, or people who need a significant amount of headroom may find side loading WAVs difficult to enter. Whilst no vehicle is going to be suitable to carry every possible configuration of wheelchair, rear loading WAVs are more likely to accommodate a wider variety of chairs.
- 5.3 Rear loading HCVs would undoubtedly take up more rank space, as up to 3 metres is needed at the back to allow enough space for passengers in wheelchairs to enter or leave the vehicle. However this may not be as big an issue as it first appears, TOA (Birmingham's largest provider of pre-booked hackney carriages) has confirmed the vast majority of their wheelchair work is pre-booked and neither begins nor ends on a rank. It is hoped if members are inclined to licence such vehicles, that at places like New Street Station where on rank pick-ups of wheelchair passengers are more likely to occur, drivers would be courteous enough to leave their colleagues sufficient room to embark passengers.
- 5.4 If rear loading WAVs were inherently unsafe they would not be permitted on the road at all. Medical services, care homes and other organisations responsible for transporting wheelchair passengers make wide use of these vehicles. Such services collect passengers in a more controlled environment than hackney carriages responding to an immediate hiring, although the point made above about pre-booking is still relevant, suitable pick-up arrangements can be made at the time of an advance booking, whether the vehicle is hackney carriage or private hire.
- 5.5 For private hire purposes, rear loading WAVs offer an option for wheelchair passengers which is not really available in Birmingham at the moment. To allow the use of such vehicles, subject to their being purpose built, M1 classification and having a full EU certificate of conformity would not require significant amendment to licensing policies. Most vehicles in this class are equipped with four passenger seats and would simply offer more luggage space when not accommodating a wheelchair passenger.
- 5.6 The situation is more complicated for hackney carriage vehicles. There are rear loading WAVs available, one long wheelbase vehicle identified during research for this report, has six full sized passenger seats for use when the vehicle is not carrying a wheelchair passenger and can still carry four other passengers in comfort when it is carrying a wheelchair, a feat which many conventional hackney carriages are unable to emulate. However, it cannot be avoided that such vehicles will require extra space on a taxi rank, will not be equipped with safety screens and would inevitably include the front seat in the passenger capacity of the vehicle. All of which would conflict with the existing requirements for Birmingham licensed hackney carriages.
- 5.7 Arguments can be made for and against rear loading WAVs. Any potential harm or conflict with existing requirements needs to be balanced against the potential benefits to the wider community in terms of reduced costs, improved

accessibility and the sustainability of a hackney carriage fleet on which many wheelchair users rely.

- 5.8 The introduction of the CAZ is both a challenge and an opportunity and officers believe the time is right to consider alternatives to the status quo, alternatives which could bring cleaner and more cost effective vehicles into the fleet, encouraging drivers to buy newer, greener vehicles and providing a wider range of options for those passengers who depend on WAVs to get around the city. Any introduction of new hackney carriage vehicles should be controlled, limited to types large enough to be usefully employed in the role and subject to suitably revised policy and conditions and similar considerations would have to be made in respect of private hire vehicles.

6. Consultation

- 6.1 Officers have not yet conducted a formal consultation in respect of this matter. Opinions were sought at the trade meetings and in discussion with individual trade representatives. The suggestion that rear loading WAVs should be considered for use as hackney carriages has been generally welcomed and an email sent by Manawar Hussain in his capacity as Chairman of TOA stated the following:

“TOA believes that the Committee must explore/consider other short and long term options. TOA proposes the followings for your consideration... Consider licensing Rear Loading Wheelchair accessible vehicles. A complied report by licensing should be presented for approval without further delay.

As the trade will lose considerable wheelchair accessible vehicles at the end of 2019. The Committee must look at affordable alternative vehicles as replacements such as rear loading 4/5 seaters vehicles. Apart from TX5 there are no “purpose” built taxis, everything else is converted. That is the future for hackney wheelchair vehicles. There is an appetite amongst the trade for rear loading wheelchair accessible vehicles.

Any argument that they need to be side loading is premature. If you look at marked ranks they are almost 50% on the wrong side of the road. If you further investigate, when picking up from home address, you are unable to pull up alongside the kerb due to so many vehicles parked up.

The only way to load up the wheelchair from the side would be to park the cab in the middle of the road to use the ramp thus blocking traffic both ways.

With rear loading, you can pull alongside parked vehicles leaving enough room for the traffic flow.

These vehicles are already are in use by private sector, nursing homes and many small local authorities nation-wide have licensed them as Hackneys and P.H sector.”

Should your Committee decide to pursue these proposals, a formal consultation exercise should be undertaken before detailed recommendations are brought back for your consideration.

7. Implications for Resources

- 7.1 The cost of licensing rear loading WAVs would be covered by licence fees as with any other licensed vehicle.

8. Implications for Policy Priorities

- 8.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed hackney carriage and private hire vehicles are compliant with required vehicle standards.

9. Public Sector Equality Duty

- 9.1 The majority of Birmingham drivers, hackney carriage or private hire are of Black, Asian or other Minority Ethnic (BAME) origin, consequently these groups will be most affected by the impact of the CAZ on the hackney carriage trade, and it is hoped the measures contained in this report may contribute to the City Council's efforts to mitigate those effects.
- 9.2 From the perspective of wheelchair users, the introducing a wider range of accessible vehicles, able to accommodate a wider variety of wheelchairs, should be a positive development.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

Appendix

Extract from Report submitted to the then Licensing Committee on 21/11/2007 in respect of standards for new hackney carriage vehicles. It should be noted the moratorium on the issue of new licences, which had been dependent on the presentation of a brand new vehicle, came into effect within a year and still applies today.

7. Bulkhead/Drivers Safety Screen

- 7.1 All vehicles shall have a bulkhead/drivers safety screen fitted, it shall be a full width, and full height screen fitted in the vehicle directly behind the driver's seat. The upper section of the bulkhead/safety screen shall consist of a clear vision panel sufficient for the driver to be able to see a substantial amount of the passenger compartment which must include vision of all access doors. A means of passing payment shall be incorporated into the screen to enable payment to be made from within the vehicle.
- 7.2 The vision panel section of the bulkhead/safety screen shall be constructed of safety glass without tint to the standard required for windscreens laid down in Regulations 30, 31 & 32 of The Road Vehicles (Construction and Use) Regulations 1986 or any clear material with at least the same impact resistance and safety qualities as that of safety glass.
- 7.3 Any bulkhead/safety screen system must allow verbal communication between the driver and passenger by way of an intercom system which can be operated by the passenger.

8. Hearing facility

- 8.1 An induction loop facility must be installed and clearly signed for the use of passengers with hearing aids.

9. General Entry and Exit Requirements

- 9.1 The vehicle shall have a minimum of 2 means of exit from the passenger compartment behind the driver for use in emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty.
- 9.2 Where a tailgate/rear door(s) are included as an exit, they shall be clearly marked "Emergency Exit" together with clear instructions relating to the means of opening. All markings shall be on the inside of the vehicle in a minimum lettering size of 25mm.

9.3 All vehicles must be side passenger loading. Rear passenger loading vehicles are not permitted.