

HACKNEY CARRIAGE AND PRIVATE HIRE REQUEST FROM JOHN WHEADON (CITY TAXIS) TO DEVIATE FROM STANDARD CONDITION 1.1 (NEW HACKNEY VEHICLE LICENCE). TOWN POLICE CLAUSES ACT LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

REPORT BY: Head of Environmental Health and Trading Standards

Purpose

1. The report is to assist the Regulatory Committee consider a request from Mr Wheadon to allow three saloon cars with wheelchair friendly swivel front passenger seats to be licensed as Hackney Carriages contrary to condition number 1.1 in the vehicle licence conditions (Appendix 1).

Legal Background

2. Under the terms of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators. S47 (1) enables the Local Authority to attach to the grant of a Hackney Carriage Licence such conditions, as they consider reasonably necessary. In the case of R v Manchester City Council Ex parte Reid, the Court took the view that compulsory wheel chair access vehicles could be deemed "reasonably necessary".
3. The latest version of the vehicle conditions were bought before Regulatory Committee and approved on the 14/12/05.
4. This particular condition has been in existence since 2001 and was imposed to limit the increase in numbers following de-regulation, and to meet the requirements of the Disability Discrimination Act (DDA).
5. Under Section 32 of the Disability Discrimination Act 1995 the Secretary of State has got the power to make regulations securing that it is possible for a disabled person to get into and out of taxis in safety and comfort whilst remaining in their wheelchairs. Herefordshire Council has been identified as a "first phase" Local Authority and as such the provisions of the DDA 1995 will be introduced between 2010 and 2020. As a consequence once this is in force that district council will be unable to grant a licence for a hackney carriage unless it conforms to the taxi accessibility regulations. The Local Authority is able to apply for an exemption from the taxi accessibility regulations, but this will only be considered if the Local Authority can demonstrate that the demand for disabled access vehicle is met.

Risks

4. If permission is given this may set a precedent and result in numerous similar applications.
5. Reduce the growth annually in wheelchair accessible vehicles as new applicants could fit swivel seats to saloons rather than provide the wheelchair access vehicles. This would reduce the chances of any exemption under the DDA being given and be detrimental to the whole Taxi Trade.

Issues

6. Two of the vehicles have been licensed as Private Hire Vehicles, which are not required to have wheelchair access the third was used by Mr Wheadon to replace an existing saloon vehicle on a Hackney Carriage plate, which has reached its 8 years of age. The vehicles are permitted to be licensed as private hire vehicles as the provisions for private hire are different to that of hackney carriages, therefore, the Council's conditions do not require private hire vehicles to have wheelchair access.
7. Mr Wheadon has been in the Taxi Trade in excess of 20 years and is aware of the current requirements for licensed vehicles.
8. Mr Wheadon currently has 10 private hire vehicles and 20 hackney carriages.

Options

It is for the Regulatory Committee to decide: -

- The saloon cars with the disabled friendly swivel front passenger seats can be licensed as new hackney carriages.
- The saloon cars with the disabled friendly swivel front passenger seats cannot be licensed as new hackney carriages.
- or reach some other decision.