

LICENSING COMMITTEE

Date: Tuesday 5 February 2019
Time: 5.30 pm
Venue: Rennes Room - Civic Centre

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email mark.devin@exeter.gov.uk

Entry to the Civic Centre can be gained through the Customer Services Centre, Paris Street.

Membership -

Councillors Owen (Chair), Sheldon (Deputy Chair), Begley, Branston, Foale, Hannan, D Henson, Holland, Mitchell, Newby, Pattison, Sills, Warwick and Wright

Agenda

Part I: Items suggested for discussion with the press and public present

1 **Apologies**

To receive apologies from Committee members.

2 **Minutes**

To approve and sign the minutes of the meeting held on 20 November 2018.

3 **Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the

grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

5 Licensing Fees and Charges 2019/20

To consider the report of the Environmental Health and Licensing Manager.

(Pages 3 -
12)

6 Amendments to the Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

To consider the report of the Environmental Health and Licensing Manager.

(Pages 13
- 56)

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

REPORT TO LICENSING COMMITTEE

Date of Meeting: 05 February 2019

Report of: Environmental Health and Licensing Manager

Title: Licensing Fees and Charges

Is this a Key Decision?

No

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

Licensing is a Council function delegated to the Licensing Committee

1. What is the report about?

1.1 The purpose of this report is to establish the licensing fees and charges that should apply for 2019/20 for those activities where the Council has discretion.

2. Recommendations:

2.1 For the period from 1 April 2019 to 31 March 2020 it is recommended that the Licensing Committee set the fees as contained in Appendix B.

3. Reasons for the recommendation:

3.1 The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, administration, testing, inspections, hearings, regulation and appeals.

3.2 The recommendation is in order to comply with the provisions of the European Services Directive (2006/123/EC) which was incorporated into UK law by the Provision of Services Regulations 2009. The legal requirements were considered by the Supreme Court in the case of R (on the application of Hemming and others) v Westminster City Council [2015] UKSC 25 and [2017] UKSC 50.

4. What are the resource implications including non financial resources.

4.1 If there is no increase in fees there is a risk that the Council will not recover all of the costs for services or activities for which it is permitted to charge and increase the burden on the Council's general fund.

4.2 There will be a cost in adoption of fees, as some will require public notice to be given. However this cost will be met from the existing budgetary provision.

5. Section 151 Officer comments:

- 5.1 The proposed fees have been built into the Council's provisional 2019-20 budget that will be considered at Council in February 2019.
- 5.2 Any surplus or deficit arising, will be placed in an earmarked reserve as it is a requirement for the fees to be ring-fenced for the service.

6. What are the legal aspects?

- 6.1 The Licensing Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute.

- 6.2 The power to charge a fee is contained in Schedule 3 Paragraph 19 of the Local Government (Miscellaneous Provisions) Act 1982 which provides local authorities with a wide discretion to set a 'reasonable fee'. Paragraph 19 provides that:

'An applicant for the grant, variation, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.'

In accordance with this provision, it was established over 30 years ago by the Court of Appeal in the case of *R v Westminster, ex parte Hutton (1985)* that a fee could be charged under paragraph 19 in order to reflect the costs, not only of processing applications, but also of '...inspecting premises after the grant of licences and for what might be called vigilant policing... in order to detect and prosecute those who operated sex establishments without licences'. The Supreme Court has subsequently held in the Hemming case (cited below) that it is open to a licensing authority to require an applicant for the grant or renewal of a licence to pay a fee to cover the running and enforcement costs of a licensing scheme.

- 6.3 Since December 2009, this power has been subject to the provisions of the European Services Directive (2006/123/EC) which was incorporated into UK law by the Provision of Services Regulations 2009. The Regulations state that charges incurred by applicants under an authorisation scheme "must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities" (effectively the costs to administer the process). In the case of *R (on the application of Hemming and others) v Westminster City Council [2015] UKSC 25*, the Supreme Court held that it remains the case that local authorities can include not only administrative costs, but additionally the costs of regulatory and enforcement costs in the fees charged to licensed operators provided that such costs are reasonable and proportionate.
- 6.4 It was originally the case that application fees have been payable in full and at the time of making an application for a licence as one composite fee. However, following the Supreme Court's judgment in the Hemming case in 2015, it made a referral to the Court of Justice of the European Union (CJEU) as to the interpretation of the European Services Directive. The Supreme Court identified two types of licensing schemes:

Type A: Application for licenses are made on terms that the applicant must pay:

- (i) On making the application, the costs of the authorisation procedures and formalities, and
- (ii) On the application being successful, a further fee to cover the costs of the running and enforcement of the licensing scheme.

Type B: Applications for licences are made on terms that the applicant must Pay:

- (i) On making the application, the costs of the authorisation procedures and formalities
- (ii) At the same time, a further fee to cover the costs of the running and enforcement of the licensing scheme.

The CJEU interpreted the legislation as allowing only 'Type A' schemes.

The CJEU's interpretation was subsequently applied by the Supreme Court in the second Hemming case in July 2017. Until November 2018, Exeter City Council had been running a 'Type B' scheme. Following the Licensing Committee decision of 20th November 2018, the fees and charges scheme was amended with immediate effect to split the licence fee into two separate sums, one for administration of the licence application, to be paid upon the application being made, and the second fee which is to be paid following the grant of the application. The licensing authority now therefore operates a 'Type A' scheme in-line with the above case law.

On this basis the licence fee will consist of two parts, A and B as follows:

Part A is to cover the costs of processing the application, namely the costs of the authorisation procedures and formalities.

The Part A fee is payable in full on submission of the application and is non-refundable.

Part B is to cover the costs associated with running and enforcing the licensing scheme.

The Part B fee would only become payable if a licence is granted, and would need to be paid by the operator before the licence becomes operational.

7. Monitoring Officer's comments:

7.1 In order to comply with the provisions of the European Services Directive (2006/123/EC) which was incorporated into UK law by the Provision of Services Regulations 2009, the licensing authority is required to adopt a 'Type A' scheme as set out above under 'legal comments'.

8. Report details:

8.1 Exeter City Council has statutory responsibility for the administration and enforcement of a wide range of licences, registrations and permits. Many of these schemes allow the Council to charge a fee, payable by an applicant for a licence, in order to cover the costs (or a proportion thereof) of the

administration of those licence types. In some cases, costs are also permitted to cover other aspects of providing the regulatory scheme.

8.2 The basis in setting such fees is generally to ensure full cost recovery, or as close to it as possible. Numerous legal cases over the years have confirmed that licensing fees may not be used to generate a profit for councils, and that fees should be reviewed annually to ensure that neither a significant surplus nor deficit is created. Surpluses or deficits may be carried forward to future years to be redistributed (within the ring-fenced licensing budget), or recouped, as applicable.

8.3 Many licensing schemes fall within the definition of 'services', under the EU Services Directive, as incorporated by the Provision of Services Regulations 2009. For such schemes, fees and charges must "*be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities*". This principle was affirmed by the courts in *R (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council*. Fees must reflect administrative, policy and compliance costs, but cannot include the costs of enforcement action against unlicensed operators.

8.4 Appendix A summarises the Council's powers to set its fees in respect of licensing applications, and any limitations on those powers.

8.5 A notice of any variation to vehicles and operator's licence fees will be advertised in a local paper and will be deposited at the council offices for a period of 28 days. Any objections received within 28 days of publication of the notice and not withdrawn will be considered at a meeting of the Licensing Committee on 26th March 2019. If there are no objections to the variation in fees they will come into effect on 1 April 2019.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The appropriate setting of Licensing Fees will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

10. What risks are there and how can they be reduced?

10.1 The proposed fees have been calculated on a cost recovery basis, and projections show that if the revised fees are adopted the costs of administering licensing schemes should be recovered.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 Formulating a licensing fee structure that supports a strong licensing regime and recognises the key aims of the council will lead to a positive impact in creating a vibrant city to live in, work and visit.

11.2 There are no identified equality concerns arising from this report.

12. Are there any other options?

12.1 The Licensing Committee could decide to maintain fees and charges at the 2018/19 levels, however the service would not be recovering the full cost incurred to the authority for delivering the individual licence areas.

Environmental Health and Licensing Manager

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

The Gambling Act 2005.

Guidance issued under Section 25 of the Gambling Act 2005

The Police Reform and Social Responsibility Act 2011

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

Local Government (Miscellaneous Provisions) Act 1982

Local Government (Miscellaneous Provisions) Act 1976

Scrap Metal Dealers Act 2013

Appendix A - Summary of powers to set application fees

Section	Area	Power arises from
	General principle	Reg 18(4), Provision of Services Regulations 2009 Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.
2.1 – 2.5	Alcohol, entertainment, etc	Prescribed in regulations made by the Secretary of State under the Licensing Act 2003. Section 197A of that Act will allow licensing authorities to set fees locally on a cost-recovery basis, but is yet to be commenced.
3.1	Animal boarding	s.1(2), Animal Boarding Establishments Act 1963 Fee as may be determined by LA.
3.2	Dangerous wild animals	s.1(2)(e), Dangerous Wild Animals Act 1976 Sufficient to meet direct and indirect costs incurred
3.3	Dog breeding	s.3A(2), Breeding of Dogs Act 1973 Reasonable costs incurred in administration and enforcement.
3.4	Pet shops	s.1(2), Pet Animals Act 1951 Fee as may be determined by LA.
3.5	Riding establishments	s.1(2), Riding Establishments Act 1964 Fee as may be determined by LA. Cost of veterinary inspection.
3.6	Zoos	s.15(1), Zoo Licensing Act 1981 Sufficient to cover the reasonable expenditure incurred by the authority. Special provisions for inspections, closures, and direction making.
4.1, 4.3	Gambling notices, premises licences	Set on a cost recovery basis by the authority, up to maximum amounts prescribed in regulations made under the Gambling Act 2005. No fee chargeable for OUN's
4.2, 4.4	Gaming permits, lotteries	Prescribed in regulations made by the Secretary of State under the Gambling Act 2005
5.1, 5.2	Charity collections	No fees chargeable
6.1	HC/PH drivers	s.53(2), Local Gov't (Misc. Provisions) Act 1976 Recovering the costs of issue and administration. Refundable if licence not granted.
6.2, 6.3	HC/PH vehicles, PH operators	s.70(1), Local Gov't (Misc. Provisions) Act 1976 Sufficient to cover the cost of: inspection of vehicle for licensing purposes, providing hackney carriage stands, or other costs for administration and control/supervision of vehicles. Refundable if licence not granted. <i>Maximum fees must be advertised.</i>
7.1	Hypnosis	No fees chargeable (except by London boroughs)
8.1	Scrap metal	Sch 1 para 6, Scrap Metal Dealers Act 2013 Fee set by the authority, with regard to guidance FEE-SETTING IS AN EXECUTIVE FUNCTION
9.1	Sex establishments	Sch 3, para 19, Local Gov't (Misc. Pr'ns) Act 1982 Reasonable fee
10.1	Skin piercing, etc	s.14(6), 15(6), Local Gov't (Misc. Pr'ns) Act 1982 Reasonable fee

Appendix B – Proposed Fees and Charges compared with existing Fees and Charges

LICENSING FEES - GENERAL							
A NON RETURNABLE ADMINISTRATION FEE OF £50 INCLUDING VAT AT THE CURRENT RATE IS PAYABLE WITH ALL NEW APPLICATIONS (INCLUDES KNOWLEDGE TEST)							
(1) Hackney carriage							
Vehicle Licence (Incl Plate & Survey Charge)	350.00	-	350.00	355.00	-	355.00	
(2) Hackney Carriage							
Driver's Licence and Identity card - 1 year	102.00	-	102.00	105.00	-	105.00	
Driver's Licence and Identity card - 3 year	242.00	-	242.00	248.00	-	248.00	
(3) Private Hire Operators Licence							
per annum	115.00	-	115.00	118.00	-	118.00	
5 year licence	495.00	-	495.00	500.00	-	500.00	
(4) Private Hire Vehicle Licence							
(Incl. Plate)	270.00	-	270.00	275.00	-	275.00	
(5) Private Hire Drivers							
Driver's Licence and Identity card - 1 year	102.00	-	102.00	105.00	-	105.00	
Driver's Licence and Identity card - 3 year	242.00	-	242.00	248.00	-	248.00	
(6) Vehicle Licences and Plate - Transfer Fees	62.00	-	62.00	64.00	-	64.00	
(7) Additional Knowledge Test	35.00	7.00	42.00	35.85	7.17	43.00	
(8) Miscellaneous fees							
Replacement plate	31.00	-	31.00	32.00	-	32.00	
Missed appointments	35.00	7.00	42.00	35.85	7.17	43.00	
(9) Consents to Street Trade							
For up to 3 months	750.00	-	750.00	750.00	-	750.00	
For up to 6 months	1,075.00	-	1,075.00	1,075.00	-	1,075.00	
For up to 9 months	1,625.00	-	1,625.00	1,625.00	-	1,625.00	
For up to 12 months	1,880.00	-	1,880.00	1,880.00	-	1,880.00	

Animal Welfare								
(10) Animal Boarding Establishment								
Licence								
(a)	New Licence (inclusive of vets fees)	Part A Fee	225.00	-	225.00	240.00	-	240.00
		Part B Fee	N/A		N/A	80.00		80.00
(b)	Renewal (inclusive of vets fees)	Part A Fee	225.00	-	225.00	240.00	-	240.00
		Part B Fee	N/A		N/A	80.00		80.00
(11) Pet Animals Licence								
(a)	New Licence (inclusive of vets fees)	Part A Fee	225.00	-	225.00	240.00	-	240.00
		Part B Fee	N/A		N/A	80.00		80.00
(b)	Renewal (inclusive of vets fees)	Part A Fee	225.00	-	225.00	240.00	-	240.00
		Part B Fee	N/A		N/A	80.00		80.00
(12) Riding Establishments Licence								
	Minimum charge (inclusive of vets fees)	Part A Fee	515.00	-	515.00	355.00	-	355.00
		Part B Fee	N/A		N/A	175.00		175.00
	per horse in excess of 10		7.50	-	7.50	7.50	-	7.50
(13) Dog Breeding Establishments Licence								
(a)	New Licence (inclusive of vets fees)	Part A Fee	225.00	-	225.00	240.00	-	240.00
		Part B Fee	N/A		N/A	80.00		80.00
(b)	Renewal (inclusive of vets fees)	Part A Fee	225.00	-	225.00	240.00	-	240.00
		Part B Fee	N/A		N/A	80.00		80.00
(14) Dangerous Wild Animals Act*								
	Licence Fee (inclusive of vets fees)	Part A Fee	355.00	-	355.00	355.00	-	355.00
		Part B Fee	N/A		N/A	175.00		175.00
(15)	Sex Establishments Licence	Part A Fee	3,850.00	-	3,850.00	3,224.00	-	3,224.00
		Part B Fee	N/A		N/A	741.00		741.00
(16) Small Lotteries								
Statutory Charges								
(a)	Registration		40.00	-	40.00	40.00	-	40.00
(b)	Renewal		20.00	-	20.00	20.00	-	20.00
(17) Gambling Act 2005								
Statutory charges:								
(i) Bingo								
	- Provisional statement		2,745.00	-	2,745.00	2,745.00	-	2,745.00
	- New premises following provisional statement		1,060.00	-	1,060.00	1,060.00	-	1,060.00
	- New premises without provisional statement		3,215.00	-	3,215.00	3,215.00	-	3,215.00
	- Annual fee - First year only following fast track conversion		590.00	-	590.00	590.00	-	590.00
	- Annual fee - other than above		765.00	-	765.00	765.00	-	765.00
	- Variation		1,380.00	-	1,380.00	1,380.00	-	1,380.00
	- Transfer		945.00	-	945.00	945.00	-	945.00
	- Reinstatement		945.00	-	945.00	945.00	-	945.00
(ii) Adult Gaming Centre								
	- Provisional statement		1,530.00	-	1,530.00	1,530.00	-	1,530.00
	- New premises following provisional statement		1,178.00	-	1,178.00	1,178.00	-	1,178.00
	- New premises without provisional statement		2,000.00	-	2,000.00	2,000.00	-	2,000.00
	- Annual fee - First year only following fast track conversion		590.00	-	590.00	590.00	-	590.00
	- Annual fee - other than above		765.00	-	765.00	765.00	-	765.00
	- Variation		765.00	-	765.00	765.00	-	765.00
	- Transfer		945.00	-	945.00	945.00	-	945.00
	- Reinstatement		945.00	-	945.00	945.00	-	945.00
(iii) Family Entertainment Centre								
	- Provisional statement		765.00	-	765.00	765.00	-	765.00
	- New premises following provisional statement		1,120.00	-	1,120.00	1,120.00	-	1,120.00
	- New premises without provisional statement		1,768.00	-	1,768.00	1,768.00	-	1,768.00
	- Annual fee - First year only following fast track conversion		415.00	-	415.00	415.00	-	415.00

- Annual fee - other than above	590.00	-	590.00	590.00	-	590.00
- Variation	790.00	-	790.00	790.00	-	790.00
- Transfer	765.00	-	765.00	765.00	-	765.00
- Reinstatement	765.00	-	765.00	765.00	-	765.00
(iv) Betting Track						
- Provisional statement	710.00	-	710.00	710.00	-	710.00
- New premises following provisional statement	2,060.00	-	2,060.00	2,060.00	-	2,060.00
- New premises without provisional statement	2,060.00	-	2,060.00	2,060.00	-	2,060.00
- Annual fee - other than above	736.00	-	736.00	736.00	-	736.00
- Variation	1,000.00	-	1,000.00	1,000.00	-	1,000.00
- Transfer	710.00	-	710.00	710.00	-	710.00
- Reinstatement	710.00	-	710.00	710.00	-	710.00
(v) Betting Other						
- Provisional statement	2,142.00	-	2,142.00	2,142.00	-	2,142.00
- New premises following provisional statement	1,200.00	-	1,200.00	1,200.00	-	1,200.00
- New premises without provisional statement	3,000.00	-	3,000.00	3,000.00	-	3,000.00
- Annual fee - other than above	600.00	-	600.00	600.00	-	600.00
- Variation	1,075.00	-	1,075.00	1,075.00	-	1,075.00
- Transfer	860.00	-	860.00	860.00	-	860.00
- Reinstatement	860.00	-	860.00	860.00	-	860.00
(vi) Miscellaneous Premises Licence Fees:						
- Change of circumstances (statutory charge)	50.00	-	50.00	50.00	-	50.00
- Copy of Licence	27.50	-	27.50	27.50	-	27.50
(vii) Unlicensed FEC permits						
- Application fee	330.00	-	330.00	330.00	-	330.00
- Application fee - existing operator	110.00	-	110.00	110.00	-	110.00
- Renewal fee	330.00	-	330.00	330.00	-	330.00
- Change of name	27.50	-	27.50	27.50	-	27.50
- Copy of permit	15.00	-	15.00	15.00	-	15.00
- Temporary use notices						
(viii) Automatic entitlement - Alcohol Licensed Premises						
- Notification of two machines	50.00	-	50.00	50.00	-	50.00
(ix) Permit for more than two machines - Alcohol Licensed Premises						
- Application fee - existing operator	100.00	-	100.00	100.00	-	100.00
- Application fee other than as above	150.00	-	150.00	150.00	-	150.00
- Permit variation fee	100.00	-	100.00	100.00	-	100.00
- Permit transfer fee	25.00	-	25.00	25.00	-	25.00
- Annual fee	50.00	-	50.00	50.00	-	50.00
- Change of name	25.00	-	25.00	25.00	-	25.00
- Copy of permit	15.00	-	15.00	15.00	-	15.00
(x) Prize Gaming						
- Application fee	300.00	-	300.00	300.00	-	300.00
- Application fee - existing operator	100.00	-	100.00	100.00	-	100.00
- Renewal fee	300.00	-	300.00	300.00	-	300.00
- Change of name	25.00	-	25.00	25.00	-	25.00
- Copy of permit	15.00	-	15.00	15.00	-	15.00
(xi) Club Gaming and Club Machine Permits						
- Application fee - existing operator	110.00	-	110.00	110.00	-	110.00
- Application fee other than as above	220.00	-	220.00	220.00	-	220.00
- Permit variation fee	110.00	-	110.00	110.00	-	110.00
- Permit fee - fast track	110.00	-	110.00	110.00	-	110.00
- Renewal fee - other	220.00	-	220.00	220.00	-	220.00
- Annual fee	50.00	-	50.00	50.00	-	50.00
- Copy of permit	15.00	-	15.00	15.00	-	15.00
(18) Scrap Metal Licences						
- New Scrap Metal Site Licence	270.00	-	270.00	270.00	-	270.00
- New Scrap Metal Collectors Licence	128.00	-	128.00	128.00	-	128.00
- Scrap Metal Site Licence Renewal	180.00	-	180.00	180.00	-	180.00

- Scrap Metal Collectors Licence Renewal	95.00	-	95.00	95.00	-	95.00
- Vary Licence Holders Details	15.00	-	15.00	15.00	-	15.00
- Vary Licensed Sites	65.00	-	65.00	65.00	-	65.00
- Vary Site Manager	35.00	-	35.00	35.00	-	35.00
- Vary Change from Site to Collector Licence	35.00	-	35.00	35.00	-	35.00
- Vary Change from Collector to Site	120.00	-	120.00	120.00	-	120.00
(19) Control of Skin Piercing etc						
Registration Fee - premises (inc one person)	95.00	-	95.00	95.00	-	95.00
- extra person	45.00	-	45.00	45.00	-	45.00
(20) Food Premises Register						
Copy of whole Register	640.00	-	640.00	640.00	-	640.00
Copy of a section of Register	135.00	-	135.00	135.00	-	135.00
Copy of individual premises	16.00	-	16.00	16.00	-	16.00
LICENSING FEES - LICENSING ACT 2003						
Statutory charges:						
(1) Premises Licence and Club Premises Certificates						
Grant or variation						
Band A - No rateable value up to £4,300	100.00	-	100.00	100.00	-	100.00
Band B - Rateable value £4,301 to £33,000	190.00	-	190.00	190.00	-	190.00
Band C - Rateable value £33,301 to £87,000	315.00	-	315.00	315.00	-	315.00
Band D - Rateable value £87,001 to £125,000	450.00	-	450.00	450.00	-	450.00
Band C - Rateable value £125,001 and above	635.00	-	635.00	635.00	-	635.00
Annual fee						
Band A - No rateable value up to £4,300	70.00	-	70.00	70.00	-	70.00
Band B - Rateable value £4,301 to £33,000	180.00	-	180.00	180.00	-	180.00
Band C - Rateable value £33,301 to £87,000	295.00	-	295.00	295.00	-	295.00
Band D - Rateable value £87,001 to £125,000	320.00	-	320.00	320.00	-	320.00
Band C - Rateable value £125,001 and above	350.00	-	350.00	350.00	-	350.00
* An additional fee is payable for premises exclusively or primarily carrying on the supply of alcohol for consumption on the premises for events of 5,000 or more persons.						
(2) Other charges						
Temporary event notice	21.00	-	21.00	21.00	-	21.00
Theft, loss etc of premises licence or summary	10.50	-	10.50	10.50	-	10.50
Application for provisional statement	315.00	-	315.00	315.00	-	315.00
Notification of change of name and address	10.50	-	10.50	10.50	-	10.50
Variation to specify individual as premises supervisor	23.00	-	23.00	23.00	-	23.00
Transfer of premises licence	23.00	-	23.00	23.00	-	23.00
Interim authority notice	23.00	-	23.00	23.00	-	23.00
Theft, loss etc of certificate or summary	10.50	-	10.50	10.50	-	10.50
Notification of change of name or alteration of club rules	10.50	-	10.50	10.50	-	10.50
Change of relevant registered address of club	10.50	-	10.50	10.50	-	10.50
Theft, loss etc of temporary event notice	10.50	-	10.50	10.50	-	10.50
Grant or renewal of personal licence	34.00	-	34.00	34.00	-	34.00
Theft, loss etc of personal licence	10.50	-	10.50	10.50	-	10.50
Duty to notify change of name or address	10.50	-	10.50	10.50	-	10.50
Right of freeholder to be notified	21.00	-	21.00	21.00	-	21.00

REPORT TO: LICENSING COMMITTEE

Date of Committee: 5 February 2019

Report of: Environmental Health and Licensing Manager

Title: Report outlining a request to amend the Hackney Carriage vehicle standard contained in the Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

Ward Application Refers to: ALL

Applicant: Not applicable.

Premises Address: Not Applicable

Is this a Key Decision?

No

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

Licensing is a Council function delegated to the Licensing Committee

1. What is the report about?

- 1.1 The report outlines a request made to the Licensing Authority from the Hackney Carriage Trade Representatives of the Exeter St Davids Taxi Association and the Exeter Taxi Association via the Taxi Forum, to consider changes to the current policy relating to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles Drivers and Operators (the 'Taxi Policy'). Specifically the report outlines possible changes to the Hackney carriage vehicle specifications contained in Appendix A of the Taxi Policy.
- 1.2 The purpose of this report is to inform Members of the background to the policy amendment request, and to outline a draft policy wording should they be minded to amend the existing policy.
- 1.3 A DRAFT form of words for the Hackney carriage vehicle specification is attached as Appendix 1 should the Committee be minded to change the Taxi Policy.

2. Recommendations:

- 2.1 The Licensing Committee are invited to decide on the following options:
 - a) to approve the request by the Hackney carriage trade to amend the Taxi Policy to allow existing rear loading Hackney carriage vehicles to be replaced with Euro 6 emission standard rear loading vehicles, and accept the attached Taxi Policy Hackney carriage vehicle specification,

OR

- b) to retain the current Hackney carriage vehicle specification in the Taxi Policy and reject the proposed changes;

2.2 Should the Licensing Committee be minded to approve a change of Hackney carriage vehicle specification in the policy (option 2.1 (a), the timetable would be as follows:

- 11 March 2019 Taxi Policy to Executive Committee.
- 16 April 2019 Taxi Policy to Full Council for approval

3. Reasons for the recommendation:

3.1 The Hackney carriage trade have highlighted a number of practical advantages in relation to the use of rear loading wheelchair accessible vehicles and the value of a 'mixed' fleet. This is further highlighted by the attached Living Options Consultation report.

3.2 The above advantages do however, have to be balanced against the findings of the Health and Safety report which concludes that side loading vehicles are preferable from a safety perspective. It is therefore for the Licensing Committee to evaluate these findings and make a decision in relation to the recommendations set out below.

4. What are the resource implications including non-financial resources.

4.1 The resources required to fund the proposed policy changes will be provided from the Taxi Licensing budget which is paid for via licence fees. This budget is ring fenced and must be used to fund the costs of taxi licensing/enforcement. The above activities can be funded from this budget without levying additional charges.

5. Section 151 Officer Comments:

There are no additional financial implications for the Council to consider. Any additional cost can be funded from the earmarked reserve, where previous year's surpluses are held.

6. What are the legal aspects?

6.1 The Licensing Authority has a statutory duty to ensure that public safety is not compromised when considering the issue of licences and to ensure that any vehicle licensed is suitable, safe and fit for purpose. It is considered that the proposals contained in this report will help to ensure public safety whilst reducing the burdens on existing Hackney carriage proprietors and providing a wider choice for wheelchair users.

7. Monitoring Officer's comments:

Changes to Council policies raise the risk of legal challenge by way of Judicial Review. It is considered that the risk of challenge is reduced on the basis of the process followed in order to determine the changes to policy.

In applying Council policies, Officers must ensure that they do not fetter their discretion with regard to exceptions to the Council's stated policy.

8. Report details:

- 8.1 The Licensing Authority introduced the current Taxi Policy following the meeting of 22 September 2015, and last amended the Taxi Policy in July 2017 (to allow for the use of digital advertising screens in the rear of vehicles).
- 8.2 Since that time the Licensing Authority have been lobbied by the Hackney Carriage Trade (specifically the Exeter St David's Taxi Association and the Exeter Taxi Association), to consider amending the specification for replacement wheelchair accessible vehicles outlined in Appendix A of the Taxi Policy. The current policy only permits existing wheelchair accessible vehicles to be replaced with Euro 6 emission standard side loading vehicles, and all of the current Euro 5 emission standard vehicles, will need to be replaced by 1st January 2020 with Euro 6 side-loading models.
- 8.3 The Hackney Carriage Trade Representatives have requested that the Taxi Policy be amended to allow existing rear loading wheelchair accessible vehicles (some 29 vehicles), to be replaced with Euro 6 emission standard rear loading vehicles instead of side loading models. The trade have submitted that rear loading models have a number of advantages over side loading vehicles including that:
- the ramp access to rear loading vehicles tends to be a shallower gradient and hence loading is easier;
 - rear loading vehicles can sometimes accommodate larger wheelchair sizes than side-loading vehicles;
 - passenger comfort is increased as the wheelchair user faces forwards whilst travelling in a rear loading vehicle, as opposed to generally facing backwards in a side-loading vehicle;
 - due to the greater ramp gradient on some side loading models the head height clearance at the top of the ramp is reduced, requiring wheelchair users to be able to duck in order to enter the vehicle;
 - on narrow streets there is sometimes insufficient space to allow for the ramp on side loading vehicles, whereas with rear loading vehicles the ramp can be accessed from the roadway;
 - rear loading vehicles tend to be less expensive to purchase than side loading models;
- 8.4 As a result of these submissions Living Options Devon were commissioned to hold a focus group with wheelchair users on 18 May 2018 to evaluate the advantages and disadvantages of each type of wheelchair accessible taxi. Several types of vehicle were presented to the focus group including rear and side loading models. The event was also attended by the Chair and Vice-Chair of the Licensing Committee, and the Principal Licensing Officer. Following the focus group Living Options produced a report which is attached as Appendix 2. The report was also further followed up with Living options who confirmed that they felt that the majority of those who attended the focus

group preferred rear loading vehicles due to the lower ramp gradients associated with those vehicles feeling more manageable.

8.5 Side loading vehicles were chosen over rear loading vehicles when the policy was originally formulated on the basis of the March 2015 consultation report, which identified that side loading vehicles were preferable on the following grounds:

- loading can be undertaken directly from the pavement rather than from the road, which was deemed safer for both the passenger and the driver;
- loading from the side door was felt to be more dignified for wheelchair users as this is the same door used by able bodied passengers;
- Side loading vehicles were considered safer than rear loading vehicles as they generally provide an alternative means of escape in the event of an accident (in particular if a rear loading vehicle is shunted from the rear, the only means of access/ egress for the wheelchair user is then compromised). Rear loading vehicles also generally accommodate the wheelchair user in the rear compartment of the vehicle and as such closer to the rear crumple zone in the event of an accident. Organisations such as the Spinal Injuries Association have expressed a preference for side-loading vehicles on this basis;

8.6 A Health and safety assessment report into the suitability of Exeter Taxi Ranks for use by rear and side access Hackney carriage vehicles is attached at Appendix 3. This report assesses the risks relevant to both rear and side loading vehicle types, and appraises the suitability of our existing taxi ranks to accommodate each type of vehicle. The report concludes that whilst rear loading vehicles do have the advantages outlined above by the Hackney carriage trade, purely from a safety perspective, it is preferable that wheelchair accessible Hackney carriages should be side loading rather than rear loading. The basis for this conclusion is as follows:

- To reduce the need to reverse vehicles whilst on the Taxi Ranks to provide additional room for rear access taxis to put out their ramps, thereby improving pedestrian safety;
- To reduce the amount of time that a taxi driver is working in the road at the rear of the vehicle (driver safety);
- To reduce the time that a wheelchair user is in the road accessing the vehicle (passenger safety);
- To increase the likelihood of alternative means of escape for passengers from a damaged vehicle (side loading vehicles are more likely to incorporate an additional means of escape, although this will vary depending on the model);
- Side loading models are considered safer in the event of a rear collision due to the positioning of the wheelchair user in the middle rather than the rear of the vehicle;

8.7 Reports by a number of disability organisations have also been attached to the report in Appendix 3, all of which support the use of side rather than rear loading Hackney carriage vehicles.

- 8.8 The Department for Transport Taxi and Private Hire Vehicle Licensing Best Practise Guidance, supports local licensing authorities specifying as many different types of vehicle as possible:
- (Para 27) Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria...
- 8.9 The above paragraph has been highlighted by the Hackney carriage trade as being in support of their request to change the policy, but it can be argued that the current Hackney carriage vehicle criteria already conforms to this in that it sets standard criteria without specifying particular models which would be applicable.
- 8.10 Of greater relevance to the request by the Hackney carriage trade would be the following paragraph:
- (Para 28) 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...
- 8.11 The above paragraph in the guidance would therefore appear to support maintaining a mixed fleet of rear and side loading wheelchair accessible Hackney carriages.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 The Licensing Authorities function is to ensure public safety across the areas that it is responsible for licensing. In doing this safeguarding and protecting the wellbeing of children, young people and adults with care and support needs the safeguarding policy meets contributes directly to three strands of the Corporate Plan:
- Leading a well-run council
 - Building great neighbourhoods
 - Promoting active and healthy lifestyles

10. What risks are there and how can they be reduced?

- 10.1 Formulating a hackney carriage vehicle policy that protects public safety should lead to a positive impact on creating a vibrant city to live, work and visit. The higher quality standards were coupled with the decision not to maintain the policy of restriction, in order to prevent any negative impact (if any); the amendment to policy in this report will assist in this prevention.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

- 11.1 An equalities impact assessment has been conducted, which is attached as Appendix 5 of this report.
- 11.2 The proposed amendments should lead to a positive impacts on equality, and a neutral effect on diversity and safeguarding.

12. Are there any other options?

- 12.1 There are 3 options available, all of which are contained within the recommendations of this report.

Environmental Health and Licensing Manager

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-

Appendix A – Hackney Carriage Licensing – Vehicle Specifications

A1 General

The following vehicle specifications are made in addition to the requirements of the Road Traffic legislation, which relates to all motor vehicles.

New Vehicle Requirements

For all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition(s).

1. No vehicle shall be licensed as a Hackney carriage vehicle unless it is wheelchair accessible;
- Or
2. A Road Tax Band A (CO2 emission standard) ultra low emission vehicle (ULEV) with a manufacturer's stated emission standard of 75g/km or less, or ZEV vehicle (zero emissions i.e. all electric vehicle) will not be required to be wheelchair accessible.

The Council's current policy is to prioritise applications for wheelchair accessible vehicles in order to maintain the proportion of wheelchair accessible vehicles in the Hackney Carriage Fleet at a minimum of 50%. Applications for ULEV's will only be invited when the proportion of wheelchair accessible vehicles exceeds 50%, and will be processed on a one ULEV, then one wheelchair accessible basis.

With respect to wheelchair accessible Hackney carriages, the Council's current policy is to prioritise applications for side loading wheelchair accessible vehicles with the aim of maintaining the proportion of rear and side loading wheelchair accessible Hackney carriages at 50% each respectively. Applications for rear loading wheelchair accessible vehicles will therefore only be invited when the proportion of side loading vehicles is equal to or exceeds 50% of the wheelchair accessible vehicles on the fleet.

The number of persons licensed to be carried shall be exhibited outside the vehicle on the Vehicle Licence Plate issued by the Council.

Existing Licensing Vehicles

For all vehicles currently issued with a licence by the Council will be required to comply with the following condition(s).

1. All vehicles currently licensed that do not comply with the new vehicle requirements stated above will be required to change the vehicle to one that does comply by 01 January 2020. Any vehicle licensed at this time that does not meet the specification may be suspended until such time as compliance is achieved.
2. The number of persons licensed to be carried shall be exhibited outside the vehicle on the Vehicle Licence Plate issued by the Council.
3. (Exemption to point 1 above) Existing rear loading Euro 5 emission standard wheelchair accessible vehicles will be required to be replaced with either a *rear* OR a *side* loading Euro 6 emission standard model by 01 January 2020.

A17 Emissions

New Vehicle Requirements

For all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition(s).

The vehicle should at least meet the Euro 6 emissions standard, and be wheelchair accessible (with the exception of ultra-low emission vehicles of 75g/km or less).

A Road Tax Band A (CO2 emission standard) ultra low emission vehicle (ULEV) with a manufacturer's stated emission standard of 75g/km or less will not be required to be wheelchair accessible (however, the Council's current policy is to prioritise applications for wheelchair accessible vehicles so as to maintain the proportion of wheelchair accessible vehicles in the Hackney Carriage Fleet at a minimum of 50%).

Existing Licensed Vehicles

For current licensed vehicles at the end of life of the existing vehicle, or on change of vehicle, replacement vehicles should at least meet the Euro 6 emissions standard, and be wheelchair accessible (with the exception of ultra low emission vehicles of 75g/km or less).

Existing Euro 5 emission standard wheelchair accessible vehicles plated before 1st January 2019 can be replaced with either a rear or a side loading model.

In any event all licensed Hackney Carriage vehicles should be either a Euro 6 wheelchair accessible vehicle or an ultra-low emission vehicle by 1st January 2020.

APPENDIX 2: Living Options Focus Group Report



Consultation Report

Possible changes to the Wheelchair Accessible Vehicle (WAV) specification taxi policy

Commissioned by: Lee Staples Principal Licensing Officer
Exeter City Licensing Authority

Consultation by: Living Options Devon

Report by: Yvonne Pope and Leila Manion

Living Options Devon
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Exeter EX2 8PW

Living Options Devon is a Company Limited by Guarantee
(number: 4925291) and a Registered Charity (Number: 1102489)

Exeter City Council is looking at possible changes to the wheelchair accessible vehicle (WAV) specification in their taxi policy. As it stands their policy requires new or replacement WAVs to be side loading. However the Licensing Authority has received comments that these side loading vehicles have a few limitations.

Lee Staples Principal Licensing Officer commissioned Living Options Devon to carry out a consultation in order to gauge whether wheelchair users prefer the rear loading vehicles or the side loading vehicles.

Wheelchair users who travel in WAV were asked the following questions:

- Have you ever travelled in a wheelchair accessible (WAV) taxi?
- Which style of vehicle (rear loading or side loading) have you travelled in?
- Which style of vehicle (rear loading or side loading) do you prefer being loaded into / unloaded from and why?
- Many side loading vehicles travel with the wheelchair user facing towards the rear of the vehicle. Do you find this comfortable?
- Does this effect communication with the driver?
- Which style of vehicle do you prefer travelling in and why?
- What in your opinion are the positive and negative points of the rear loading vehicle?
- What in your opinion are the positive and negative points of the side loading vehicle?

There were three example vehicles available on the day and participants were given the opportunity to try them.

Taxi Consultation, 18th May 2018 at Matford Centre Exeter

Participants: 10 wheelchair users 2 carers

3 power chair users and 7 manual chair users

5 WAV users had used both side and rear loading taxis prior to meeting

Side entry taxis

Pro	<p>Load straight off the pavement – do not have to get into the road so safer.</p> <p>Side entry so not directly from the road.</p> <p>Some wheelchair users are used to traveling backwards on buses so not always an issue.</p> <p>Warning required that may have to lower neck and head to enter but this is not always needed.</p> <p>More space effective because 3m entry is not required.</p>
Cons	<p>Ramp can be very steep depending on pavement.</p> <p>Not ideal, as some areas don't have a pavement, so ramps are placed directly on road.</p> <p>Loading from the road makes the ramp much steeper.</p> <p>Camber plus steep ramp means dealing with 2 way slopes which can be very alarming for user.</p> <p>Taxi has to be travelling in the correct direction for drop off – this can get expensive on the meter.</p> <p>Difficulty finding wide enough pavement to allow for ramp and space for wheelchair to turn and line up with the end of the ramp.</p> <p>Ramps are hazardous, take up pavement, so no space for those walking along the pavement to pass, they have to either wait until the driver has loaded the passenger or they walk onto the road.</p>

Facing backwards makes it hard to communicate with driver and/or give directions.

Some users need to lip-read which is impossible with back to driver.

In the evenings car lights beam into the back of the WAV, so passengers travelling like this can become disorientated.

Not all wheelchair users are able to turn and to look over their shoulders.

The driver has to push and then turn the chair themselves this can be a risk to themselves.

Manoeuvring within taxi to line up with anchor points takes longer and is very difficult and worrying for some users – fear of damaging taxi and/or wheelchair.

There is not always enough space to turn in London style cabs.

Because of the height of their chairs and the taxis' doors many power chair users cannot get into side entry taxis.

Travelling backwards can cause queasiness.

Not much capacity for passengers.

Travelling at speed – dual carriageway/motorway when rear facing is awful.

If travelling through our country lanes, wheelchair can easily tip back.

Can't see the payment meter.

Can take longer to load wheelchairs, secure and then manually put ramps away.

Extra physical effort required by the driver can make the wheelchair user feel uncomfortable – 'a nuisance' requiring too much assistance.

Rear entry Taxis	
Pro	<p>Like the opportunity to travel forward.</p> <p>Better able to communicate with driver and to offer directions.</p> <p>Has more capacity so may be able to travel with friends and family.</p> <p>A winch can help the driver so requires less effort to move passenger.</p> <p>Good as driver or passenger is not injured whilst getting into the WAV.</p> <p>Lowered floor can mean shallower ramp gradient which feels safer for wheelchair user.</p> <p>The passenger can see the meter and to see where they are going.</p> <p>Quicker to get in and out of.</p>
Cons	<p>Loaded from the rear, so often have to be on the road.</p> <p>Sometimes manual chairs are too wide to fit in the gap between the backseats</p> <p>Wheelchairs can feel like they can tip backwards because of how they are clamped on.</p> <p>Sometimes have to enter the taxi on the roads, often there are no dropped kerbs so this is more dangerous.</p> <p>As at back of vehicle you have to speak very loudly to be heard.</p> <p>Need 2-3m clear space at rear to enter</p> <p>Need to load/unload near a drop kerb where possible for the passenger's ongoing travel.</p>

Some more general comments:

- The meter should only be on at the start/end of the drive, not when loading/ unloading.
- Passengers requesting these types of vehicles, should not be charged more.
- Taxi drivers need to communicate clearly about how they are moving you when positioning in the taxi.
- An auditory meter would be good as people with Visual Impairments cannot see the meter and do not know if they are being asked to pay the correct amount.
- Accessible taxis are not always available after 7pm so this then limits access to evening activities.
- WAV's not available after 5pm, late at night or during the weekend.
- Used for school runs, as they carry more passengers.
- Some drivers can seem to be moody and grumpy about making an effort.
- Disability awareness training should ideally be by someone with a disability themselves and twice a year.
- Drivers do not always seem to take enough care – important not to rush as can scratch/damage chairs.
- Drivers should know which straps are used to secure the wheelchair whilst passenger being transported.
- Phone operators do not always listen and also do not ask the correct questions to ensure the right sized taxi gets to you.
- Controllers should ask customers what type of vehicle they prefer. Understand what a WAV is, as I have had the experience of ordering a taxi, but when it arrives it is a standard car which means that I have to get out of my wheelchair which is put in the boot.
- As a person with VI I need the taxi companies to text the taxi's departure and arrival.
- An option to pay by card like in London taxis would be excellent.

- How are deaf people supported to use taxis, even if accessible one not needed?
- Can taxi companies have both types available?
- Why has the change in taxi design been proposed?

Appendix 3

Health and safety assessment report into the suitability of Exeter Taxi Ranks for use by rear and side access Hackney carriage vehicles

Purpose:

The purpose of this report is to identify the risks associated with the use of rear and side loading Hackney carriage vehicles at taxi ranks in Exeter.

Definition:

Hackney Carriages can be 'flagged down' off the street or from a taxi rank. Private Hire Vehicles must be pre-booked through an operator and are not permitted to use taxi ranks. Rear access vehicles can be used for private hire and are not within the scope of this report.

Background:

At present Exeter's Hackney carriage fleet consists of some 43 wheelchair accessible vehicles, of which 29 vehicles are currently rear loading and 14 side loading. The current Taxi Policy will require all 29 of the existing rear loading wheelchair accessible vehicles (WAVs), to be replaced with Euro 6 emission standard *side loading* vehicles by 1st January 2020. Numerous members of the Hackney carriage trade have requested that the Licensing Authority give consideration to amending the current Taxi Policy to allow rear loading WAVs to be replaced with rear loading Euro 6 models. This report assesses the risks of continuing to use rear loading WAVs on Exeter taxi ranks.



Exeter Taxi Rank Description:

- **Sidwell Street (John Lewis):** 11 car rank situated outside John Lewis. Shelter adjacent to front rank space, with a loading bay situated in front of this.
- **Fore Street:** 1 car rank until 10:30 pm, reverting to whole length of bus stops (shared with buses) from 10:30pm.
- **North Street:** 1 car rank opposite rear Sainsbury's Entrance. There is a loading bay to the rear of the rank and the road narrows to the front.
- **Exeter Central Station:** 2 car rank adjacent to Le Tabac (to left of Central Station Entrance), with disabled bay in front.
- **Exeter St Davids:** 14 car Rank immediately adjacent to the left of the Station entrance. Pedestrian crossing directly in front of the rank.
- **Little Queen Street:** 1 car rank adjacent to Loading bay.
- **Bailey Street (Timepiece):** 3 car rank operating from 10:30pm daily. Double yellows directly behind and in front of rank.

Assessment of risks:

Persons at risk include:

- Taxi Drivers
- Passengers including
- Wheelchair passengers: Note that there are many different designs of wheelchairs with varying dimensions suitable for people with different disabilities, or degrees of disability and a vehicle which is accessible for one such design may not be suitable for others.
- Other passengers including those with visual, audible and mobility limitations
- Other vehicle users
- Members of the public

Objective:

There are currently around 1.2 million wheelchair users in the UK of which around 2 thirds use a wheelchair on a regular basis. It is recognised that the Council's objective should be to minimise risks to passengers, and transport staff whilst using the Council's Licenced Hackney carriages. As such, the following assessment of risks related to using the Taxi Ranks has been undertaken.

Risks identified:

Site specific - Loading space required:

Rear loading vehicles require an additional 3 metres of space in order to manoeuvre a wheelchair user into the vehicle using a rear loading ramp. This will have an impact at some taxi ranks where space is at a premium:

- **Fore Street:** During the daytime the bus stop which is immediately behind the taxi rank space is in regular use and as such this will mean that whilst the passenger is being assisted at the rear of the Taxi, buses will be pulling out. During the evening when the rank reverts to a shared taxi rank/ bus stop. The rank does not benefit from raised kerbs which would assist side loading WAVs in that the raised kerb would reduce the ramp gradient making loading/ unloading safer and less effort.
- **Sidwell Street:** Cars at the front of the rank would usually be able to move forward into the loading bay in the front of the rank as this loading bay is generally only in use early in the day (before 9am). However, this will mean that whilst the passenger is being assisted at the rear of the Taxi, taxis in position 2 potentially could be pulling out with other passengers. The Sidwell Street rank does not benefit from any raised kerbs which if in place are advantageous for side loading vehicles.
- **North Street:** There is a loading bay to the rear which could be utilised if unoccupied, but if this space is occupied then the lack of space in front of the rank would mean that a wheelchair user could not be loaded without the WAV being moved out into the road thereby putting the wheelchair user and driver at risk from other vehicles whilst loading in the highway. The rank does not benefit from any raised kerbs.
- **Exeter Central Station:** If the disabled space in front of the rank is unoccupied then the first car can move forward to accommodate the extra space required to load from behind. However, if this space is occupied then there would not be sufficient space (3 meters), in order to load from the rear. The station rank does not benefit from any raised kerbs.
- **Exeter St Davids:** The first rank space is adjacent to the pedestrian crossing and as such vehicles in this space cannot move forward to provide extra space for rear loading. Instead they rely on the vehicles behind to co-operate which appears to work well generally. The station rank does not benefit from any raised kerbs.
- **Little Queen Street:** Whilst the rank space itself is only for one car, there would usually be space either in front or behind the space to accommodate rear loading. The rank does not benefit from any raised kerbs.
- **Bailey Street (Timepiece):** Due to the curve of the road, it would not be possible for the first rank space vehicle to move forward safely to provide extra space for loading, and as such they would be reliant on the vehicles behind them reversing. The rank does not benefit from any raised kerbs.

If the vehicles require manoeuvring, and in particular if there were a need to reverse vehicles in order to accommodate the extra space at the rear of the taxi, there is the potential for accidents to occur to other members of the public including children and persons with visual or audible impairments. The risk of reversing vehicles injuring members of the public would increase in poor weather conditions or after the hours of darkness when visibility is limited.

Despite the lack of raised kerbs at our ranks, I consider that purely in terms of safety they would lend themselves more to the use of side-loading vehicles.

Side access / rear access disabled taxis:

It is clear from the Consultation report provided by Living Options, that personal preference will influence which type of wheelchair accessible vehicle a person will choose to use, with some respondents clearly favouring rear loading vehicles, and others favouring side loading vehicles.

Side Access Vehicles

Looking purely in terms of safety, the side loading WAVs have the significant advantage of loading from the kerb rather than the roadway, thereby making loading safer for both the driver and the passenger. Side loading models are also considered safer by some organisations (such as Disability Rights UK and the Spinal Injuries Association), due to the fact that the wheelchair user is seated in the centre of the vehicle, whereas in rear loading models the wheelchair user is generally seated in the rear impact zone. In addition, our existing licenced side loading vehicles all incorporate an integrated ramp which is housed under the floor panel of the passenger compartment, and as such it is quick and easy for the ramp to be put in place.

Most side loading models only have access ramp access from the left-hand side of the vehicle; however, in the event of an accident there is a rear and in some cases a right-hand door that could be utilised in an emergency.

In terms of health and safety disadvantages, loading from the side tends to mean a greater ramp gradient than rear loading vehicles as side loading vehicles are typically higher standing and have shorter ramps than their rear loading equivalent. The higher ramp gradient requires the driver to put in additional effort during loading leading to a greater risk of manual handling injuries, and also leads to a greater risk of accidental release of the wheelchair users chair during unloading. The gradient of the ramp increases where a kerb is not used. A pavement or kerb tends to be 10-15cms higher so reduces the gradient of the ramp.

Side loading vehicles also generally require the wheelchair user to be facing towards the rear of the vehicle whilst travelling, thereby potentially affecting the ability of the passenger to communicate with the driver in the event of an emergency.

Rear Access Vehicles

Rear access WAVs are typically lower standing than their side-loading equivalents, and in many cases have longer access ramps. The result of this is that the ramp gradient on rear-loading vehicles is often significantly lower, meaning that loading can be undertaken with less effort and consequently greater safety and passenger comfort.

In rear loading WAV's the wheelchair user is seated facing forwards and as such it is easier to communicate with the driver, and is generally considered more comfortable whilst travelling.

Potential Health and safety disadvantages of rear loading vehicles are set out in the Spinal Injuries Association Taxi Charter (attached further in this report), and include the following:

- It is safer to keep wheelchair users on the pavement than to put them in the road, particularly facing away from on coming traffic.
- Taxi drivers may not be familiar with lowering a wheelchair over a kerb which can present dangers to the passenger. Similarly, passengers using electric wheelchairs may find it impossible to go down over a kerb. If access is from the pavement then these issues do not arise.
- Being seated in the centre of a taxi is likely to be safer than being seated at the rear of the vehicle. The majority of accessible taxis have centre divisions which would provide passenger protection in the event of a side impact. However, most rear loading taxis leave the wheelchair passenger at the back of the vehicle in the rear impact zone.
- The need to have an alternative exit in the event of an accident is paramount. In an emergency a side loading vehicle will offer the passenger the opportunity to exit the

vehicle from an alternative exit. In the case of a rear loading vehicle where the rear doors or tailgate are damaged, this would be impossible. This is not acceptable for a public service vehicle.

Securing the passenger:

Having assisted the passenger into the vehicle, the driver will then need to ensure that the passenger and wheelchair are safely secured. Any ramps used will need to be removed and stored away prior to the journey commencing. The additional time taken to complete these tasks satisfactorily will be several minutes working either to the side or the rear of the vehicle. Side-loading WAVs therefore have the safety benefit that the driver is not working at the rear of the vehicle during this time.

External Bodies:

A number of disabled persons groups have published information asking licensing authorities to prohibit the use of rear-loading WAVs as hackney carriages. The argument for this approach is that the wheelchair user has to be on the road during loading and unloading and is therefore exposed to risk from traffic. This is seen as being particularly relevant for Hackney Carriages, which of necessity; predominantly operate from side loading hackney carriage stands. Information from the following groups have been included in Appendix ...

- The Spinal Injuries Association (SIA);
- RADAR the disability network (now called Disability Rights UK);

In addition, the Department for Transport report 'The Safety of Wheelchair Occupants in road Passenger vehicles' (2003), used crash test data and numerical modelling to assess the safety of wheelchair users in the event of a crash. Of specific interest in the report is the comparison between the crash performance of forward facing wheelchairs versus rear facing wheelchairs:

- *"For forward facing occupants in M1 and M2 category vehicles it was apparent that some injury criteria such as head displacement and lumbar spine compression were better for the wheelchair occupant than the conventionally seated occupant, however neck loads in particular were higher. The addition of a head and back restraint was found to improve the situation significantly..."*
- *"Rear facing wheelchair passengers in M1 and M2 vehicles were found to be greatly more at risk than equivalent vehicle seated passengers, particularly in terms of neck and spine loads, the situation being worse still for both smaller and larger than average persons. Again, the situation was mitigated through use of a head and back restraint..."*

(M1 Category vehicle= Vehicles with ≤ 8 seats in addition to the driver's seat)



Figure 7 M1 and M2 forward facing
– vehicle seated



Figure 8 M1 and M2 forward facing
– wheelchair seated



Figure 18a Set up with no head
and back restraint



Figure 18b Wheelchair occupant
with no head and back
restraint

It is worth noting the age of the report (I was unable to find any more recent research of this type), and that they only examined the effect of a simulated impact to the front of the vehicle, but the findings suggest a greater degree of safety for the wheelchair user if they are travelling in the forward facing position. However, where head and back restraints are provided the results were improved in both positions and were largely equivalent. Rear loading WAVs do not commonly include head and back restraints, whereas more modern side loading models generally do incorporate this, and as such I conclude that levels of safety in the event of a crash to the front of the vehicle would likely be similar, whereas rear loading WAVs would likely be more vulnerable in the event of a rear collision.

Both rear and side loading models already on circuit all have European whole vehicle type approval and as such pass relevant European Community safety standards.

Conclusion

As stated previously, wheelchair user individual preference for rear or side loading vehicles will vary considerably. Linked to this would be their individual needs and capacities, from an individual who would prefer to sit in a salon car with the wheelchair folded up, through to passengers who are seated on their wheelchair during the journey and finally motorised chairs. Rear loading vehicles have several significant advantages over side loading models, including the passenger generally facing forwards (more comfortable), often shallower ramp gradients, and are sometimes able to accommodate larger powered wheelchairs which would not fit in a side-loading model. However, purely from a safety perspective, it is preferable that wheelchair accessible Hackney carriages should be side loading rather than rear loading. The basis for this conclusion is as follows:

- To reduce the need to reverse vehicles whilst on the Taxi Ranks to provide additional room for rear access taxis to put out their ramps, thereby improving pedestrian safety;
- To reduce the amount of time that a taxi driver is working in the road at the rear of the vehicle (driver safety);
- To reduce the time that a wheelchair user is in the road accessing the vehicle (passenger safety);
- To increase the likelihood of alternative means of escape for passengers from a damaged vehicle (side loading vehicles are more likely to incorporate an additional means of escape, although this will vary depending on the model);
- Side loading models are considered safer in the event of a rear collision due to the positioning of the wheelchair user in the middle rather than the rear of the vehicle;

It is further recommended that the Licensing Authority contact the responsible authorities (Devon County Highways and Great Western Railway), to request that they consider installing raised kerbs at Exeter taxi ranks as this would improve the comfort and safety of loading for wheelchair users accessing side loading vehicles.

Lee Staples

Principal Environmental Health Officer

December 2018

Risk Assessment Report Photographs:



Passenger seated in rear loading WAV with chair restraint straps in place



Rear loading WAV showing front seats folded and ramp extended ready to load wheelchair user.



North Street rank space (note loading area to rear and narrowing of road to front)



St Davids Station rank (note pedestrian crossing in front of 1st rank space)



St Davids rank showing Hackney carriages queuing



Central Station rank (2 car rank with disabled space to front and metered parking behind)



Fore Street rank (Traffic light stop sign directly in front of rank)

Policy for accessible taxi and private hire vehicles

RADAR believes every Local Authority should have:

1. A policy and strategy for delivering affordable and accessible taxis and private hire vehicles
2. A policy to allow disabled people to use taxis and private hire vehicles
3. At least 50% vehicle fleet accessibility
4. A driver training scheme for taxi and private hire vehicle drivers

1. Policy and Strategy

- a. Local Authorities should have a policy to improve the mobility of disabled people by the use of taxis and private hire vehicles
- b. Local Authorities should have a strategy for carrying out the policy by various means and within a timeframe
- c. These policies should be detailed in the Local Authority's Disability Equality Scheme

2. Affordability

- a. Local Authorities should have a scheme whereby disabled residents unable to use bus services routinely (i.e. a concessionary bus pass may also be held but is not always usable, such as when the holder has luggage, travels after dark etc.) can use taxis affordably. This policy should include:
 - i. Allowance of at least two single trips a day
 - ii. At least half fare discount
 - iii. Companions allowed at no extra fare

3. Vehicle accessibility

- a. All new and transferred licences for Hackney Carriages should be for side-loading wheelchair accessible vehicles with M1 ECWVTA and include features to cater for those passengers with reduced mobility, vision and hearing
- b. All new licences for private hire vehicles should be required to have an approved swivel seat fitted

4. Driver training

- a. Drivers should be trained in disability awareness, communication and use of equipment
- b. Training should be taken as part of the licence requirements on first issue and renewal
- c. It is recommended that driver training is mandatory. However, when introducing this, Local Authorities should work in partnership with other Local Authority areas in the region to ensure standardisation



Spinal Injuries Association Taxi Charter

In its Campaigning for Change Manifesto 2009 – 2011, the Spinal Injuries Association (SIA) addresses the challenges that public transport and, in particular, taxis, present to those with spinal cord injuries (SCI).

Section 36 of the Disability Discrimination Act 1995 (DDA) introduces legislation to make taxis accessible for disabled people. However, this is still to be enacted by government. The delay in its implementation appears to be the technical specifications which define a “wheelchair accessible taxi” and the cost to the taxi trade of providing these vehicles.

In this document SIA puts forward an “**Accessible Taxi Charter**” to address the challenges currently facing those with SCI and other disabled taxi passengers in the U.K.

...because life needn't stop when you're paralysed.

The Present Problems

- Vehicle types used for taxis differ across the country.
- The number and availability of wheelchair accessible taxis differ from area to area.
- Often drivers have no disability awareness training or are unaware how to operate equipment like ramps and clamps.
- This equipment is often in poor working condition or has been mislaid and is not with the vehicle.
- Wheelchair accessible vehicles licensed by local authorities may not be of a suitable specification.
- There is no standardised complaints procedure or enforcement for bad service.

Desired Outcomes

SIA will be pressing for improved and compulsory driver training which will ensure:

- Drivers better understand the needs of their disabled passengers.
- Drivers are able to operate and maintain equipment properly.

SIA will also be pressing that via the licensing system:

- All vehicles working from official taxi ranks meet a minimum standard that enables it to carry a passenger safely in their wheelchair.
- Wheelchair accessible vehicles are provided with side access off the kerb side to provide direct access to/from the pavement.
- The built environment which is used for taxi ranks is suitable to allow easy and safe access for wheelchair users to the taxi, such as raised platforms at taxi ranks.
- There are sufficient wheelchair accessible taxis working away from a taxi rank to ensure that disabled people can obtain a vehicle that meets their needs.
- The level of accessible vehicles should be greater than those not capable of carrying a wheelchair user seated in their wheelchair.
- Taxi operators have a duty to provide an equal service for disabled and non disabled people.
- There is a standardised, enforced complaints procedure across all local authority areas.
- Taxi operators refusing to provide a service to disabled people are suitably punished to deter repeat offences.

CHARTER

SIA believes that these recommendations will improve access for all disabled taxi passengers.

- All taxis (hackney carriages) should become side loading wheelchair accessible vehicles and cater for every disabled person.
 - All taxi drivers should be thoroughly trained in disability awareness and the competent use of the facilities in their vehicles.
 - The single specification for accessible taxis must be demonstrably safe in all respects and converted vehicles should not be tested to a lower safety standard than that used by saloon cars.
 - Standards should be deliverable in the short term by manufacturers and converters and also be affordable so as to ensure a quick delivery of the DDA requirements.
 - Accessibility standards should enable wheelchair users to access an integrated transport system, allowing an uninterrupted journey on trains, buses and taxis.
 - Authorities should ensure street planning and rank provision meet the need of disabled passengers.
 - Licensing authorities must ensure that drivers of accessible taxis do not discriminate against disabled people under the DDA.
1. Under the proposals of the DDA, it was envisaged that all taxis (hackney carriages) should become wheelchair accessible and meet a predetermined specification. It was envisaged that the trade would be given a ten year period to achieve this and SIA believes that this must commence as soon as possible.
 2. The Department for Transport has suggested that a mixed fleet of saloon cars and wheelchairs accessible taxis within the hackney carriage fleet is an option for meeting the needs of wheelchair users. SIA does not believe that this is practical or desirable and will seek to show why in this charter.
 3. SIA believes it is imperative that all taxi drivers are required to be trained in disability awareness and assisting disabled passengers safely into and out of their taxis. This is a major issue both in terms of safety for disabled passengers and the willingness of drivers to undertake journeys with wheelchair users.
 4. If a taxi driver refuses to take a wheelchair passenger then this should be treated as an offence under the DDA. SIA believes that if all drivers are properly trained then such situations need never arise.

Critical Issues

The huge variety of accessible taxis in the marketplace can present disabled passengers with a poor, and in some circumstances unsafe, choice of vehicle. To address this issue SIA proposes the following:

Safety

- The European Community provides a “Type approval” system for the production of all cars, called “European Whole Vehicle Type Approval”. Vehicles that are converted to accommodate wheelchair users can currently be tested to Single Vehicle Type Approval after conversion, which is a national standard. SIA does not believe that this is acceptable for a public service taxi. All such converted taxis should be re-tested to fully European Whole Vehicle Type Approval.
- SIA believes that side loading should be the standard adopted as the safest method of accessing taxis from taxi ranks and the street. The advantages of side loading are that:
 - It is safer to keep wheelchair users on the pavement than to put them in the road, particularly facing away from on coming traffic.
 - Taxi drivers may not be familiar with lowering a wheelchair over a kerb which can present dangers to the passenger. Similarly, passengers using electric wheelchairs may find it impossible to go down over a kerb. If access is from the pavement then these issues do not arise.
 - Being seated in the centre of a taxi is likely to be safer than being seated at the rear of the vehicle. The majority of accessible taxis have centre divisions which would provide passenger protection in the event of a side impact. However, most rear loading taxis leave the wheelchair passenger at the back of the vehicle in the rear impact zone.
 - The need to have an alternative exit in the event of an accident is paramount. In an emergency a side loading vehicle will offer the passenger the opportunity to exit the vehicle from an alternative exit. In the case of a rear loading vehicle where the rear doors or tailgate are damaged, this would be impossible. This is not acceptable for a public service vehicle.
- An agreed Government specification will deliver additional safety to passengers. Local authorities may currently license accessible vehicles to a range of technical specifications which may be inappropriate and potentially dangerous.

The Right Specification

- One of the critical concerns of disabled people is the need for an integrated transport system so that journeys can be completed without disruption. The taxi is unique in delivering door to door transport and therefore needs, at the very least, to provide the same accessibility standards provided by buses and trains under the DDA.
 - The reference wheelchair measuring 1200 x 1350 x 700mm formed the basis of accessibility standards for buses and trains and SIA sees no reason not to adopt that same standard within the rear cabin of a taxi.
 - SIA understands that there are already many conversions in the marketplace that meet this standard. This demonstrates not only that this specification is achievable by converters, but that it is also presumably affordable by the taxi trade.
 - Accessibility for ambulant disabled passengers is a key issue. At present the purpose built taxi provides a swivel seat and demountable step on every vehicle. If this were replicated by converters it would address the perceived difficulty by ambulant disabled passengers of using accessible taxis.
 - Affordability is clearly a key issue for the taxi trade. However, there are currently many cities with satisfactory accessibility standards for their vehicles. It seems logical that if this specification can be afforded in these towns and cities then it should be possible across the country. Rural areas may present more of a challenge to the trade as income may be lower, but SIA understands that drivers in these areas commonly purchase second hand vehicles and would therefore be likely to purchase second hand accessible vehicles when the DDA requirements are introduced.

The Mixed Fleet Issue

The Department for Transport has suggested that a mixed fleet of saloon cars and wheelchair accessible taxis may meet the needs of disabled passengers. SIA does not agree with this proposal for the following reasons:

- Under the DDA the choice of saloon car was envisaged as being provided by private hire. The taxi was instead seen to provide instant accessibility on the rank as part of an integrated transport system. This ensured that a wheelchair user was in no way disadvantaged when taking a taxi from the rank.
- It is not clear how a local authority can decide who will drive an accessible vehicle and who will drive a saloon car. Accessible taxis are of necessity more expensive to operate and this is likely to lead those driving accessible vehicles to revert to saloon cars over time. SIA does not want to see 100 per cent accessible taxi fleets gradually erode away. Any solution to this problem is likely to require new legislation, and will further delay implementation of the DDA.
- To overcome the concerns of those calling for the mixed fleet, the specification of any future taxi should take into account the needs of wheelchair users, ambulant disabled passengers, the elderly and those with other requirements.

Driver Training

SIA believes that all taxi drivers should be trained in dealing with disabled passengers. SIA therefore recommends that:

- All drivers must undertake disability awareness training as a condition of their licensing.
- All drivers must demonstrate that they have full working knowledge of the equipment fitted to their taxi. This should include the ability to safely load and secure a wheelchair and assist passengers with other mobility requirements.

Local Authorities

Local authorities could ensure that accessibility to taxis is made easier for disabled passengers in some very simple ways. The following key principles should be a requirement on all authorities.

- Taxis on taxi ranks should always be accessible from the near side.
- Ranks should have raised pavements at the point of entry so as to minimise ramp angles and step height.
- Cover should be provided for passengers at ranks where waiting is a frequent occurrence.
- Rank availability should take into account the needs of disabled passengers. For example, ensuring that hospitals have accessible taxi ranks near to the main entrance.

SIA would also like to see the introduction of a standardised, enforced complaints procedure across all local authority areas. This will ensure that disabled people can be confident that their complaints will be handled effectively. It would also ensure that offending taxi operators are suitably punished and that disability discrimination is taken seriously by the industry.

Timing

The DDA envisaged a ten year changeover to the new specification when agreed. Given that the specification has yet to be decided, SIA urges that:

- The new specification be agreed as soon as possible based around vehicles that are currently in the marketplace and can meet the requirements outlined above with limited improvements.
- All vehicles that do not meet the final specification should be required to do so when the owner next changes the vehicle. This will prevent saloon cars being kept on the road and changed only at the last possible date.
- All authorities should only issue new licences for wheelchair accessible taxis that meet the agreed standard.

SIA anticipates that this Charter will act as a benchmark for Government, Licensing Authorities, manufacturers and converters and members of the taxi trade. Please help us to deliver it as soon as possible.

For more information please contact

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Registered Charity No 1054097
Charitable Company No 3175203

Campaign for affordable and accessible taxi and private hire vehicles

Policy outline

Objects

1. every local authority should have a **policy and strategy** for delivering affordable and accessible taxis and private hire cars
2. every local authority should have a **fare concession scheme** for disabled people to use taxis and private hire cars
3. every local authority should have *at least* **50% vehicle fleet accessibility**
4. every local authority should have a **driver training** scheme for taxi and private hire car drivers

Details

1. Policy and strategy

- * a policy to improve the mobility of disabled people by the use of taxis and private hire cars
- * a strategy for carrying out the policy by various means and within a timeframe

2. Fare concession scheme

- * membership with 'Taxicard' available free on application for disabled residents unable to use bus services routinely (ie a concessionary bus pass may also be held but is not always usable when the holder has luggage, travels after dark, etc.)
- * allowance of at least two single trips a day
- * *at least* half fare discount
- * companions allowed at no extra fare

3. Vehicle accessibility

- * all new and transferred licenses for taxis (Hackney Carriages) should be for side-loading wheelchair accessible vehicles with M1 ECWVTA and include features to cater for those passenger with reduced mobility, vision and hearing
- * all new licenses for private hire cars should require them to have an approved swivel seat fitted.

It is anticipated that under the DDA all taxis will be required to be fully accessible to an agreed specification by a due date.

4. Driver training

- * training in disability awareness, communication and use of equipment
- * taken as part of the licence requirements on first issue and renewal

January 2006

Title: Proposed Amendment to Hackney Carriage Vehicle Standard – Equality Impact Assessment

Introduction

The Licensing Committee report outlines a request made to the Licensing Authority from the Hackney Carriage Trade Representatives of the Exeter St Davids Taxi Association and the Exeter Taxi Association via the Taxi Forum, to consider changes to the current policy relating to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles Drivers and Operators (the 'Taxi Policy'). Specifically the report outlines possible changes to the Hackney carriage vehicle specifications contained in Appendix A of the Taxi Policy.

The Hackney Carriage Representatives have requested that the policy be amended to allow existing rear loading wheelchair accessible Hackney carriage vehicles to be replaced with Euro 6 emission standard rear loading vehicles.

The Licensing Authority introduced the current Taxi Policy following the meeting of 22 September 2015, and last amended the Taxi Policy in July 2017 (to allow for the use of digital advertising screens in the rear of vehicles). Since that time the Licensing Authority have been lobbied by the Hackney Carriage Trade (specifically the Exeter St Davids Taxi Association and the Exeter Taxi Association), to consider amending the specification for replacement wheelchair accessible vehicles outlined in Appendix A of the Taxi Policy. The current policy only permits existing wheelchair accessible vehicles to be replaced with Euro 6 emission standard side loading vehicles, and all of the current Euro 5 emission standard vehicles, will need to be replaced by 1st January 2020 with Euro 6 side-loading models.

The Hackney carriage trade organisations have submitted that rear loading models have a number of advantages over side loading vehicles including that:

- the ramp access to rear loading vehicles tends to be a shallower gradient and hence loading is easier;
- rear loading vehicles can sometimes accommodate larger wheelchair sizes than side-loading vehicles;
- passenger comfort is increased as the wheelchair user faces forwards whilst travelling in a rear loading vehicle, as opposed to generally facing backwards in a side-loading vehicle;
- due to the greater ramp gradient on some side loading models the head height clearance at the top of the ramp is reduced, requiring wheelchair users to be able to duck in order to enter the vehicle;
- on narrow streets there is sometimes insufficient space to allow for the ramp on side loading vehicles, whereas with rear loading vehicles the ramp can be accessed from the roadway;
- rear loading vehicles tend to be less expensive to purchase than side loading models;

Side loading vehicles were chosen over rear loading vehicles when the policy was originally formulated on the basis of the March 2015 consultation report, which identified that side loading vehicles were preferable on the following grounds:

- loading can be undertaken directly from the pavement rather than from the road, which was deemed safer for both the passenger and the driver;
- loading from the side door was felt to be more dignified for wheelchair users as this is the same door used by able bodied passengers;
- Side loading vehicles were considered safer than rear loading vehicles as they generally provide an alternative means of escape in the event of an accident (in particular if a rear loading vehicle is shunted from the rear, the only means of access/ egress for the wheelchair user is then compromised). Rear loading vehicles also generally accommodate the wheelchair user in the rear compartment of the vehicle and as such closer to the rear crumple zone in the event of an accident. Organisations such as the Spinal Injuries Association have expressed a preference for side-loading vehicles on this basis;

As a result of these submissions Living Options Devon were commissioned to hold a focus group with wheelchair users on 18 May 2018 to evaluate the advantages and disadvantages of each type of wheelchair accessible taxi from a wheelchair user's perspective. The focus group event incorporated a demonstration of different styles of wheelchair accessible vehicle, and the report which followed from the focus group is attached to the committee report at Appendix 2.

Appendix 1 of the Licensing Committee Report outlines a proposed amendment to the Hackney carriage vehicle specifications which would permit the owners of existing rear loading wheelchair accessible Hackney carriages to replace these vehicles with rear loading vehicle of the Euro 6 emission standard.

Hackney carriages have a specific role to play in an integrated transport system in that they can be hailed without a prior booking by any member of the public including wheelchair users. The Taxi Policy recognises this, and as such includes a requirement that a minimum of 50% of all Hackney carriages in Exeter should be wheelchair accessible. The above suggested amendment to the Policy does not seek to change the minimum percentage of wheelchair accessible vehicles in the fleet.

Lead officer: Simon Lane, Environmental Health and Licensing Manager

Stakeholders: Residents, Elected Members, Visitors to the City

For each of the areas below, an assessment has been made on whether the policy has a **positive, negative or neutral impact**, and brief details of why this decision was made and notes of any mitigation are included. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact –some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

	Neutral	Positive	Negative
<p>Target group / area Race and ethnicity (including Gypsies and Travellers; migrant workers asylum seekers etc.)</p>	<p>There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.</p>		
<p>Disability (as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)</p>	<p>The overall percentage of wheelchair accessible vehicles in the Hackney carriage fleet would remain unchanged at a minimum of 50% overall.</p> <p>Views have been sought from wheelchair users via a focus group organised by Living Options (user led disabled person’s rights charity). The group found positive and negative elements for both side and rear loading wheelchair accessible vehicles.</p>	<p>The proposed policy amendment would ensure that a minimum of 25% of the Hackney carriage fleet would remain rear access wheelchair accessible vehicles. Rear loading vehicles have a number of advantages over side-loading models as set out above.</p> <p>Subsequent feedback from the Living Options focus group clarified that overall the group slightly favoured the rear loading wheelchair accessible vehicles.</p>	
<p>Gender</p>	<p>There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.</p>		

Gender reassignment	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.		
Religion and belief	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.		
Sexual orientation (including heterosexual, lesbian, gay, bisexual)	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.		
Age (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older people 81+. The age categories are for illustration only as overriding consideration should be given to needs).	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.		
Areas of deprivation	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.		
Human Rights	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.		
Health and Wellbeing (consider both the wider		A positive impact has been identified for Hackney carriage	MEDIUM RISK: Side loading wheelchair access vehicles

<p>determinants of health such as education, housing, employment, environment, crime and transport, as well as the possible impacts on lifestyles and the effect there may be on health and care services)</p>		<p>drivers as rear loading wheelchair accessible vehicles tend to have a shallower ramp gradient, making loading less effort in terms of manual handling.</p> <p>A further positive impact has been identified for wheelchair users, specifically those individuals who use larger wheelchairs (such as power chairs), or are of taller than average height. Side loading wheelchair accessible vehicle can in some cases struggle to accommodate these individuals due to a lack of head height at the top of the ramp, or due to lack of space inside the vehicle. This is less often the case with respect to rear loading wheelchair vehicles, due to the shallower ramp gradient. Being able to access transport services is essential for day to day living, and as such retaining rear access vehicles on fleet is seen as a positive measure for those outlined above.</p>	<p>are often sufficiently large to allow a wheelchair user to travel with other passengers in the rear of the vehicle, whereas rear loading vehicles typically only have room for the wheelchair user in the back of the vehicle. Side loading vehicles therefore allow wheelchair users the ability to travel with friends/ associates in the same way as any other passenger. A change of policy to allow a percentage of wheelchair accessible vehicles to be rear loading therefore negatively impacts this.</p> <p>It is felt that the above risk is mitigated by the advantages outlined for rear access vehicles in accommodating larger wheelchairs.</p>
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