



CYNGOR SIR CEREDIGION COUNTY LICENSING AUTHORITY

Local Government (Miscellaneous) Provisions Act 1976

Part II

Town Police Clauses Act 1847

Equality Act 2010

Accessibility Conditions for Designated Vehicles

The Licensing Authority's objective is to ensure, so far as is reasonably practicable, that all residents of Ceredigion have reliable access to safe transport within the Authority.

“Disabled people account for about one fifth of people in the UK. The Department for Work and Pensions estimates that there are currently over 10 million disabled people in Britain, 4.6 million of whom are over state pension age. Seven hundred thousand are children. One in four households has a disabled member; and projections by the Office of National Statistics show a clear increase in the population of the UK until 2031. It is also predicted that there will be 27 million people over the age of 50 by 2031. Disability rates increase with age, and some estimates predict a rise of 69 per cent over the next 20 years in the number of people facing disability” (*DfT Consultation on improving Access to Taxis, February 2009*)

These conditions are intended to improve the accessibility of licensed (hackney carriages and private hire) vehicles for wheelchair users and people with disabilities and/or impairments. It is important therefore to focus on the service our Hackney and Private Hire trade provides by improving access to taxis so that all residents of Ceredigion receive an equal level of service and improved access to jobs, services, leisure facilities and social networks.

This Policy is intended to work alongside the Hackney Carriage and Private Hire Licensing Overarching Policy and should be read in conjunction with that Policy. Reference should be made to the conditions relating to the type of vehicle which is or may be licensed. (i.e. Hackney Carriage or Private Hire Vehicle)

The Licensing Authority may attach to the grant of a hackney carriage licence, under the Local Government (miscellaneous provisions) Act of 1976, such conditions as it may consider reasonably necessary. In addition to these conditions and, whilst observing the Equality Act 2010, a licence shall not be granted to a special purpose vehicle unless the vehicle conforms to the conditions laid out within the overarching policy and the accessibility conditions imposed by the Authority.



Vehicle Classification:

The following types of vehicle may be licensed as a Hackney Carriage or Private Hire vehicle providing it is compliant with all current statutory requirements for motor vehicles and with the non-statutory requirements imposed by the Licensing Authority:

- **Category M1:** Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.
- **Category M2:** An M2 category vehicle would not ordinarily be licensable as a hackney carriage or private hire vehicle unless it has been adapted to be approved as a vehicle category type M1.
- **Category N1:** Vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes which have been adapted to carry up to eight [8] passengers.

Vehicle Certification

The following certification/documentation may be accepted by the Licensing Authority at the point of licensing, provided the documents have been issued by the relevant certifying body following an examination undertaken on the vehicles' most recent modification(s):

- i) Voluntary Single Vehicle Approval (VSVA) confirmation of compliance
- ii) Voluntary Individual Vehicle Approval (VIVA) confirmation of compliance
- iii) Certificate of Initial Fitness (COIF)
- iv) European Whole Vehicle Type Approval (EWVTA)

Wheelchair accessible vehicles (WAVs) & Special Purpose Vehicles (SPVs)

Specification:

- i) All vehicles adapted and/or modified for the carriage of wheelchair users must have successfully passed a Voluntary Individual Vehicle Approval (VIVA) examination and the relevant DVSA/VOSA documentation (see above) attesting to the approval must be presented to the licensing authority upon first presenting the vehicle for a licence and upon each renewal thereafter.
- ii) No equipment and / or fittings may be attached to, or carried on the inside or outside of a licensed vehicle other than those approved by the relevant certifying body. For example: An approved seat belt is one which meets either British or European Standards, or equivalents, is as set out in Construction and Use Regulation 47, is correctly installed, in good working order and displays 'e' or 'E' mark followed by a number or a BS' kitemark'
- iii) All surfaces over which a wheelchair user may travel shall have a slip resistant finish applied and maintained.
- iv) There must be adequate, visible advice within the vehicle advising wheelchair users and the driver on the positioning of the wheelchair and use of wheelchair tethering and restraint systems.
- v) Upon the exterior of the vehicle, there must be clear indication that the vehicle is wheelchair accessible: It shall be fitted with a sign specified by the Licensing Authority and situated adjacent to any entrance for a wheelchair user.
- vi) The word 'TAXI' or 'TACSI' must be clearly legible printed upon the roof light and must be forward facing and be clearly visible both by day and night to indicate that the Hackney



Carriage is available for hire. A Private Hire vehicle may not have a roof light attached or installed upon it.

- vii) Vehicles equipped with lifting equipment must comply with current LOLER (lifting operations and lifting equipment regulations). More information can be obtained from the Health and Safety Executive or by following this link:
<http://www.hse.gov.uk/pubns/indg339.pdf>

Voluntary Individual Vehicle Approval

Modifications such as a conversion, where the vehicle becomes different to the original manufacturers specification, or some sort of adaption to carry wheelchair users or passengers with specialised needs, do not normally come within the scope of standard MOT inspections, therefore it is essential, for the purposes of public safety, that all modifications to vehicles are inspected by a competent authority such as DVSA (Formerly known as VOSA) to ensure that the modification/s, design and construction are safe, fit for their intended purpose and meet all relevant road vehicle and safety regulations. An example of where a vehicle modification falls beyond the inspection criteria of an MOT inspection is where a passenger lift has been installed. The lift must be inspected and weight tested to LOLER standards by a competent person prior to being certified as being safe and fit for service.

Vehicles previously licensed under the VOSA Voluntary Single Vehicle Approval (VSVA) scheme will continue to be valid and no further VIVA examination is required provided that the vehicle has not undergone further adaptations since the VSVA confirmation of compliance document was issued, in which case it must be submitted for an examination under the current VIVA scheme.

Passenger vehicles that have been modified and/or adapted require the VOSA VIVA inspection confirmation of compliance document at the point of licensing. A VSVA and/or VIVA compliance document attesting to the most recent modification/adaptation must be presented to the Licensing Authority at the date of first presenting the vehicle for licensing, and at each renewal thereafter.

A relevant VSVA and/or VIVA compliance document shall be made readily available for inspection by an authorised officer or constable.

Priority seats and space for passengers with reduced mobility

- i) The legal minimum width of a priority seat cushion, measured from a vertical plane along the front of the seat and passing through the centre of that seating position, must be 220mm on each side.
- ii) There must be adequate space for a guide dog under, or adjacent to, at least one of the priority seats. This space must not form a part of the gangway.
- iii) Where a seat has been removed for the carriage of wheelchair users; that space must be made permanently available for wheelchair users and the fixing points of the removed seats must be permanently blocked off or otherwise disabled to the satisfaction of the Licensing Authority.
- iv) Seats must be either forward or rearward facing. Passengers, including those who travel whilst seated in their wheelchair must never travel sideways within the vehicle.



Harnesses & Seat belts

Disabled person belts are seat belts or harnesses which have been specifically designed or adapted for use by an adult or young person suffering from some physical or mental impairment and are intended for use solely by such a person.

- i) Any wheelchair space shall be fitted with the following:
 - a) A wheelchair and wheelchair user restraint system complying with item 19 of Directive 2007/46/EC, Annex XI, Appendix 3;
- OR**
- b) A restraint system comprising:
 - i) A four point wheelchair tie-down system suitable for general wheelchair application; and
 - ii) A wheelchair user restraint system comprising a minimum of three anchorage points to provide a pelvic and upper torso restraint system.
- iv) All Disabled person belts must be securely attached to the vehicle and operate as intended.
- v) All harnesses or belts assigned to a vehicle must bear indelibly upon them the index plate of that vehicle and must not be transferred or loaned to another vehicle.

Duties of the Driver

The Licensing Authority is seeking to ensure, so far as is reasonably practicable, that drivers of designated vehicles licensed by this authority are competent enough to convey passengers in a safe and appropriate manner.

Sections 165, 166 and 167 of the Equality Act 2010 places duties upon drivers when carrying disabled passengers. To ensure that drivers understand and carry out these duties, the Licensing Authority has set out these conditions which complement the Equality Act 2010. It is important to understand that disabilities are not always visible. It may not be immediately obvious that a passenger has special requirements. Physical access for wheelchair users is important but an accessible vehicle is only part of the service a designated vehicle and driver must provide.

Due Care

- i) It is the duty of the driver to show due care and patience when conveying passengers. The driver must take into consideration any disability or impairment when conveying passengers and offer assistance as appropriate and as required.
- ii) The driver and operator of a vehicle must ensure that their passengers are carried in safety and in reasonable comfort whether or not the passenger has a disability or impairment that affects their day to day activities.
- iii) The driver of a designated vehicle must undertake the appointed section of the MIDAS training, which is currently supplied by the Corporate Health and Safety Team of the Local Authority. If, after undertaking the training, the Corporate health and Safety Team is satisfied that the driver is competent to convey a wheelchair user in a safe and appropriate manner and can competently utilise the ramps, harnesses and other equipment, he or she will be issued with a certificate. A logo will be placed upon the drivers' badge which will enable all passengers to identify a trained driver. The driver of a designated vehicle shall also be listed on the designated vehicles list and therefore it is



essential that the proprietor of the vehicle submits to the Authority the names of those drivers assigned to drive that vehicle.

All drivers of wheelchair accessible vehicles must:

- i) Be fully conversant with the correct method to operate the ramps, lifts and wheelchair restraints that are fitted to the vehicle,
- ii) Ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and that the brakes of the wheelchair have been applied prior to the vehicle setting off,
- iii) Ensure that any wheelchairs, equipment and passengers are carried in such a way that no danger is likely to be caused to any passenger in accordance with the Road Vehicles (Construction & Use) Regulations 1986,
- iv) Ensure that the passenger is able to choose to remain seated in their wheelchair whilst undertaking their journey and that the wheelchair is affixed to the vehicle securely,
- v) Ensure that the passenger is able to choose to be seated in a standard seat and that they are assisted into the seat where required and if so, the driver must make provisions to carry the wheelchair and is not to make any additional charge for doing so.

Assistance Dogs

- i) The driver shall, on request carry a guide dog, hearing dog or any other assistance dog, belonging to a passenger, free of charge.

Drivers are advised to familiarise themselves with safety aspects of carrying an assistance dog. Guidance can be found on the Guide Dogs website:

<https://www.guidedogs.org.uk/services/guide-dog-services/assistance-dog-travel-guide/travel-by-car#.VYv-spaD67R>

Visually Impaired passengers

- i) For visually impaired passengers, the driver must state to that passenger the fare which is recorded on the taximeter upon commencement and termination of the journey and provide a written receipt, which shall state the day, date and time of fare, the amount paid, driver name and the journey start and end locations,
- ii) When required, place a visually impaired person's hand on the open door and indicate the position of the roof to avoid injury to the passenger,
- iii) Tell the passenger which way the vehicle is facing,
- iv) Where possible, ensure that visually impaired passengers are dropped off in a safe place, where they may not be in danger of other vehicles,
- v) If required, let the passenger know where they are at the end of the journey and which way the vehicle is facing. (e.g. "We are at the top of Great Darkgate Street alongside the Park and Ride Bus Stop")

Hearing Impaired Passengers

- i) When speaking, speak clearly and look at the passenger so they may lip read if they are able to do so,
- ii) Ensure that the passenger is aware that you have understood their instructions and that you know where the passenger wishes to go to,



Mobility Assistance

- i) The driver must, whether or not at the request of the passenger, offer to provide such assistance as required to enable the passenger to enter or exit the vehicle. For pre-arranged/pre-booked journeys, the operator accepting the booking should enquire if the passenger has any special requirements; i.e. a guide dog or wheelchair provision. At the same time, the passenger should also state if they have any special requirements.

Fares

- i) Unless previously arranged, the driver of a designated vehicle may not charge a passenger more than what is specified on the taximeter, regardless of the passengers' impairments or physical attributes or for assistance of loading the vehicle or carriage of assistance dogs. Reference should be made to the conditions relating to the taximeter and fares which may be charged.

Exemptions

- i) A driver shall notify the licensing authority and his/her employer if they have any pre-existing conditions which may affect their ability to carry assistance dogs and/or passengers with special requirements.
- ii) Medical exemptions involving the carriage of disabled persons and/ or the carriage of any assistance dog may apply to new or existing drivers who suffer certain medical conditions. If the driver suffers from any medical condition which affects his / her ability to carry disabled persons and/ or an assistance dog of any sort, he / she must provide evidence to the licensing authority that they have a specific problem to qualify for such an exemption by means of a medical certificate issued by their General Practitioner,
- iii) The exemption certificate must be kept upon the driver at all times whilst undertaking his duties and be readily available for inspection at any time by an authorised officer.



Glossary

Wheelchair accessible vehicle

“Wheelchair accessible vehicle” is included within the “Special Purpose Vehicle” category as defined by the EU Directive 2007/46/EC and means: “vehicles of Category M1 construction or converted specially so that they accommodate one or more person(s) seated in their wheelchair(s) when travelling on the road”.

Special Purpose Vehicle

EU Directive 2007/46/EC defines a special purpose vehicle as:

“A vehicle intended to perform a function which requires special body arrangements and/or equipment”.

Designated Vehicle

A vehicle which is licensed by the Authority that is wheelchair accessible or specifically adapted or constructed to carry passengers with a disability or impairment.

Designated Vehicles List

A list for the general public to access information about companies which may be able to offer a specific type of vehicle or trained driver to a passenger who has specific requirements

Wheelchair user

Means a person who, for ambulatory or physical restrictions, is confined to or relies upon a wheelchair for mobility purposes.

Disabled person belts

Disabled person belts are seat belts or harnesses which have been specifically designed or adapted for use by an adult or young person suffering from some physical or mental impairment and are intended for use solely by such a person.

Assistance Dog

An Assistance Dog means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability

DfT – Department for Transport

A Government Department that works with Local Authorities, agencies and partners to support and develop the transport network in the UK.