

Background Information 2

Accessibility to taxis for people with disabilities - WBC's requirements re SAVs

Background:

WBC's strategy for taxis (and private hire services) has been based upon the following objective:

"More vehicles, for more people, for more hours over more of the district"

This strategic objective came about as a result of a number of factors, which included:

- The highly closed and inefficient market created as a result of a very low number of taxis permitted to operate in the former Newbury Borough zone.
- The existence of two licensing zones which prevented taxis plying for hire throughout the district and resulted in situations where a taxi which had conveyed passengers from Newbury to Theale, could not accept passengers for the return journey but had to return empty to Newbury town to seek a fare (The reverse held good)
- The lack of taxis which were suitably accessible or adapted to facilitate use by people with disabilities.
- The lack of taxis operating at times when the public needed to use them

In 2000, the then Public Protection Committee embarked upon a process of opening up the taxi-licensing regime, to encourage dual licensing of vehicles so that all could operate throughout the district. The proposal was fiercely opposed by the Newbury Town taxi association who saw their closed market under threat of being opened up. The "District" association, which represented almost all other taxi operators, gave it their approval as a way forward.

WBC's policy was that anyone who sought to take advantage of the new regime should meet new requirements for vehicles to be "Suitably Adapted or Accessible Vehicles" (SAVs). In recognising that the established trade would need time to adjust to the new requirements, the Council agreed to allow existing license holders a period of derogation until 1/4/03 to comply and/or the option to not apply for a dual licence and remain unaffected by SAV requirements.

While the Newbury Town licence holders argued against any changes to the licensing regime, the "district" association (which included the present opponents of the SAV requirement) agreed that the proposals offered the best way forward to achieving the Council's and their member's aspirations. The Town association sought a Judicial Review. The outcome of the JR was that the town association was roundly condemned by the High Court who stated that the application was motivated by self interest and trade protectionism. It confirmed that WBC had acted reasonably in its dealings with the trade and that the SAV requirements were legal, reasonable and in the public interest. (Costs of £25,000 were awarded to WBC to be paid by the NTHCOA).

The new regime was introduced and over the two years since its introduction there have been regular liaison meetings between council licensing officers and officers and members of the Newbury Town Hackney Carriage Owners Association and the West Berkshire District Hackney Carriage Association, the latter who have now lately created a "West Berkshire District Hackney Carriage Association Disability Sub Committee".

The SAV requirements have been the subject of regular discussions but it is only recently, with the date for compliance approaching that opposition from a small number of operators has been given a high profile. In the meantime 14 operators have obtained SAV status either by purchasing vehicles which are designed to convey disabled people in their wheelchairs, or by installing swivel seats in their existing vehicles. Currently 6 have paid cash deposits to a local company authorised by the manufacturers to fit "Elap" seats and have therefore given undertakings to do so and we have agreed to them continuing to trade while they await the fitting of seats. 2 operators are currently awaiting delivery of MPVs.

The rumour "on the street" is that WBC will capitulate therefore there is no point in trying to meet the SAV standards

The Licensing Team has a significant amount of evidence obtained from vehicle manufacturers and insurers that the swivel seats are both technically and legally acceptable. Arguments that in some cases the fitting of a swivel seat necessitates the deactivation of a passenger side air bag are specious. Many taxis do not have passenger side air bags and in a case where a child is carried in a child seat, passenger side airbags have to be deactivated; indeed some vehicles are now fitted with a deactivating button/switch which can be used by the vehicle owner as they see fit. Manufacturers specify this and insurers do not refuse to insure the situation!

We have evidence from insurers and manufacturers that they find the swivel seat option to be acceptable and will not invalidate insurance cover or guarantees. We have evidence that other LAs have introduced similar or more onerous requirements. The advice from the Disability Rights Commission is that swivel seats are a minimum criteria for increasing accessibility to taxis.

There are three further points worth noting which demonstrate the perverse nature of the arguments:

1. If the trade is so opposed to swivel seats, why did they demand that the Council establish a fund to grant aid any operator who wanted to fit one?
2. When there was a limit on taxi licence numbers, why did the trade insist that any new licences only be granted to vehicles meeting SAV standards?
3. Is the group which styles itself WBHCOA – Disability Sub Committee – really representing the trade association and its membership? We have evidence that it is not!

NOTE:

The Audit Commission and IdEA have recently issued suggested LPIs on equality and diversity in relation to transport services which include the same SAV requirements as specified by WBC.

West Berkshire Council SAV

57 Hackney Carriages will have to be disabled access by the 1st of April 2003. As of today's date 24th March 2003 10 vehicles have already complied with the council SAV requirements. 4 vehicles have installed swivel seats and the other 6 vehicles are MPV with the capacity to take wheelchairs.

Swivel Seats:

There are two main manufactures of swivel seats that we are aware of which fit the councils SAV requirements, these are Elap and Carmobilty. Both seats can be installed locally and cost around £778 including VAT. The seats can be installed in most types/makes of vehicle (see table 1). The only vehicles which cannot be fitted with a swivel seat are:

- Mercedes E Class
- Mercedes C Class current models
- Mercedes Vito
- Mercedes Vaneo
- All volvos except S40 and V40
- All current Mazda models
- Toyota Camry
- Current Vauxhall Vectra (solution being investigated)
- Some high spec current Ford Mondeo

The swivel seat simply replaces the original passenger seat and is able to rotate to help with safe entrance and egress for people with disabled needs. The original seat can be refitted when required and the swivel seat can be installed into another vehicle at a cost of under £200 pounds. The advantage of the swivel seat is that it allows a passenger to enter the vehicle without any unnecessary twisting of the body. It also allows some wheelchair user to transfer them self from the wheelchair in to the vehicle with greater ease. Carmobilty can also match the swivel seat with your original colour scheme. Fitting of the seat takes between 1 to 2 hours.

How does the Swivel Seat effect my insurance??

The licensing team have spoken to a number of leading insurance companies asking if they would insure a vehicle / taxi with a swivel seat. The other question asked was, would the modification effect the insurer's premium.

The answer to both questions was quite simply NO.

All insurance companies asked had no problems with the modification and would insure the vehicle without any effect on the holders insurance premium.

All of the below companies were contacted on the 4/3/2003 in relation to disabled access facilities.

The Companies were:

Cabshield: 0800 41 32 71
Swinton Insurance: 0800 0159218
Taxi Insurance Bureau: 0161 280 6666
Barry Grainger Taxi Insurance: 01892 542736
Taxi Direct: 01234 242904
Norwich Union: 0800 096 4715

Air Bags

It is now increasingly common for car manufactures to install airbags in vehicles. These airbags have predominantly been installed in steering wheels and on passenger side dash. More recently airbags have been installed in the seats back "Wing" or in the door or door pillars. Where a swivel seat has been fitted to a vehicle were airbags were present in the original seat those airbags will be lost. It should be noted that side airbags located in the door pillars would have to be disarmed before a swivel seat can be used. These air bags can be armed again when the original seat is reinstalled. The front drivers and passengers airbags can be used with a swivel seat. Airbags are a safety feature but only a secondary safety feature and are not required to be installed by law like seat belts are. There are many questions how safe airbags are. The government is to fund research into the safety of airbags over fears that the devices may be responsible for some deaths. A spokesman of the DETR said " there is not adequate information in this country at present about the safety of airbags" Some manufactures even allow drivers to turn on/off airbags. It is common knowledge that young children and babies should not sit in the front seat if airbags are present.

Will disarming airbags effect a policy holder insurance, Answer NO. All insurance companies contacted on the 4/3/2003 said that airbags are not compulsory and disarming them will not effect the person's policy. The installation of air bag in a particular vehicle does not have to be disclosed on the insurance application form.

How safe are these swivel seats.

At present there is no legislation either European or National to govern the strength and durability of replacement car seats. However both recognised manufactures of the swivel seats have used guidelines set down by ECE regulations which cover original equipment seats in all European vehicles.

The Elap seat has been tested independently and fit the safety requirements laid down by the ECE regulations which cover original equipment seats. The seat conforms to

ECE Reg/17 [6.2,6.3,5.1.5]

ECE Reg/74/408 [6.1,6.2,6.3,7.1]

Seat, seat anchorage and head rest strength.

ECE Reg/14 ; EEC Dir/76/115

Seat belt anchorage's.

ECE Reg/25 [7.4]

Head restraint strength test

The seat has also been crashed tested at the road safety engineering laboratory Middlesex University, and was found satisfactory.

Carmobility seats also fulfil the requirements laid down under ECE regulations.

So both manufacture seats have been tested and are found to be satisfactory.

If I don't want a swivel seats what else can I do?

There two other options that allow Hackney Carriage to correspond with the councils guidelines in relation to SAV. One option is there a number of vehicles on the market that have lift / ramp accesses and are able to accommodate wheelchair uses.

The cheapest one starting at £10,000 brand new but there a number of vehicles that can be found cheaper on the second hand market. There are also a number of companies that are able to convert MPV's and vans so to allow disable access for example gowrings mobility. There are endless number of the vehicles on the market which can suit different needs and budgets and fit the requirements laid down by West Berkshire council. The other option is that some MPV's i.e. the ford Galaxy have already got a swivel seats installed by there manufactures, but these seat must comply with the council guidelines..

Hackney Carriage Proprietors may also consider changing the vehicle to Private Hire.

At present 2 proprietors has informed the licensing team that they will be changing from Hackney Carriage to Private Hire due to the SAV requirements.