

Council – 21st September 2015

Notice of motion – testing of wheelchair straps in vehicles

Set out below is a notice of motion to Council on 21 September 2015 from Councillors D. Hazell, E. Hazell and Craddock:

(1) The Council notes:

- (a)** There have been a number of cases of taxis being stopped by Council officers, where disabled passengers and their wheelchairs have not been correctly strapped in or harnesses/restraints not being used.
- (b)** The safety of disabled passengers and their wheelchairs should not be at a disadvantage.
- (c)** The MOT manual (Section 5 – Seat Belts) does not currently require the straps and restraints for wheelchairs to be checked.
- (d)** Walsall Council MOT check does not routinely check wheelchair straps and restraints.

(2) Council believes:

- (a)** An additional requirement should be added to the MOT manual check as follows:
 - Additional to MOT manual. Vehicles designated wheelchair accessible must be equipped with appropriate belts for securing a wheelchair and seat belts for a wheelchair passenger.
- (b)** An additional condition should be added to the MOT manual check as follows:
 - Additional to MOT manual. For vehicles designated wheelchair accessible wheelchair belts and seat belts for a wheelchair passenger must be checked for condition.
- (c)** The method of checks, inspection and reason for rejection should be as stipulated in the 'MOT testing manual' of all other seat belts.
- (d)** The safety of wheelchairs users is as important as any other passenger.

(3) Council therefore calls for:

- (a)** Walsall Licensing and Safety Committee to implement the additions to the MOT check.

- (b) The Leader of the Council and the Cabinet to lobby the central Government to incorporate these changes into the 'MOT testing manual'.

Background Information

The Council takes its responsibilities to ensure that hackney carriages which it licenses are safe for the carriage of the passengers and for other road users very seriously. It also takes its responsibilities seriously under the Equalities Act 2010.

Examples of action taken include that officers from the Licensing Enforcement have received a number of complaints from passengers who are wheelchair users, their relatives or council officers in other departments where drivers have failed to secure the wheelchair securely before the journey commenced. These complaints are taken very seriously and whilst one driver was prosecuted in 2012, taking action in the courts can often be difficult due to the vulnerability of witnesses. Additionally, a driver was prosecuted in 2012 for failing to transport a guide dog. However in 2014 and 2015, 5 drivers have been reported to the Licensing and Safety committee.

Recognising the difficulties of taking cases based on public complaints, officers undertook a covert operation earlier in 2015. This involved Council Officers working with a serving police officer who is a wheelchair user taking journeys to ascertain if drivers secured his wheelchair or otherwise transported him safely. In summary, whilst there were 8 journeys where the drivers failed to secure the wheelchair or to comply with other requirements, there were 13 journeys, 62%, which were carried out satisfactorily and indeed a number of drivers should be commended on their courtesy and customer care. Investigations into those cases of non compliance are ongoing.

The authority requires all Hackney carriages which it licences to be wheelchair accessible.

In total there were 21 journeys undertaken. We are pleased to say that in 13 (62%) cases the drivers complied with all their obligations and in many instances demonstrated excellent customer care.

All hackney carriages and private hire vehicles which are licensed by Walsall Council are required to undergo regular safety checks at its testing station at North Walsall Depot. These checks cover the standard MOT tests for the vehicle in question and in addition cover a number of supplementary requirements, recognising the vehicle's use as a taxi or private hire vehicle.

The additional checks which are undertaken currently include a verification that, where appropriate to the model of vehicle, suitable wheelchair ramps are present. However, there is no current check on the condition of straps to secure wheelchairs.

Although it is not a requirement that private hire vehicles are wheelchair accessible, this is in fact the case for a number of PH vehicles.

A report will be taken to Licensing and Safety Committee to recommend that these checks are extended to ensure that sufficient straps are provided and that a visual check is made to establish that they are in good condition and that they apply to all Hackney Carriage vehicles and private hire vehicles where appropriate.

If the Council is minded the leader of the Council could write to the Government requesting that the testing of straps to secure wheelchairs are included in the standard MOT testing manual.

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11th September 2015