



CHELtenham
BOROUGH COUNCIL

Implementation of Requirement to License Wheelchair Accessible Hackney Carriage Vehicles by 2021

Further advice and guidance for vehicle
proprietors

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This document provides Hackney Carriage vehicle (HCV) proprietors of non-wheelchair accessible hackney carriage vehicles (“non-WAV HCVs”) with further advice and guidance on the transitional arrangements leading up to the December 2021 deadline.

1. Background

1.1 In 2018 the council’s Cabinet approved changes to the council’s licensing policy. This included changes to grandfather rights that require all non-WAV HCVs to be [fully wheelchair accessible](#) beyond 31 December 2021 (“Implementation date”).

1.2 The council has produced general [guidance](#) for Hackney Carriage proprietors of non-wheelchair accessible vehicles (“non-WAV”). This document provides proprietors of non-WAV HCVs with further and more detailed guidance.

2. Replacing your non-WAV HCV

2.1 The council’s Cabinet has approved a number of exceptions to the council’s normal licensing policy to assist proprietors of non-WAV HCVs. The exceptions adopted are:

- a) Proprietors of non-WAV HCVs can apply to the council to licence that vehicle as a private hire vehicle. In this case, silver vehicles will be accepted for private hire vehicles.
- b) The council will waive new licence fees for proprietors who will be required to change their vehicles.
- c) Proprietors of non-WAV HCVs that are older than 5 years of age (from the date of first registration) can apply to the council to licence that vehicle as a private hire vehicle provided that the vehicle has not reached the normal maximum age limit for private hire vehicles which is currently up to 14 years.

3. Recommendations

3.1 Most importantly, the council strongly recommends that vehicle proprietors make any appropriate applications (see [Guidance](#) below) **on the renewal of the non-WAV HCV licence either in 2020 or 2021. This is because the council will not issue licences for non-WAV HCVs to expire beyond 31 December 2021.** If you do not make the application on the renewal of the non-WAV HCV, you may incur additional costs and paperwork.

3.2 The council understands that some proprietors may wish to use their non-WAV HCVs up until the implementation date. However, if proprietors choose to do so, the council will issue a shortened licence in 2021 that will **not** run beyond 31 December 2021.

3.3 **If proprietors of non-WAV HCVs wish to continue to have a licensed vehicle beyond 31 December 2021, they must ensure that they either:**

- a) **Apply to license a wheelchair accessible vehicle, if they wish to continue working as a hackney carriage, or**
- b) **Apply to licence the existing non-WAV HCV as a private hire vehicle, and carry out private hire work only.**

The council will send a reminder to proprietors of **non-WAV HCVs** of the expiry date of 31 December 2021, and will explain how to ensure they comply with this policy beyond that date.

3.4 If you wish to continue to have a licensed vehicle beyond the implementation date, you must make an appropriate application (see [Guidance](#) below) not later than 00:01 hours on 14th December 2021. Furthermore, you must submit all paperwork required for your application not later than 12:00 hours on Tuesday 21st December 2021. This is to allow sufficient time to process such applications prior to the implementation date. **Failure to do so may mean we cannot process your application in time and you will not be able to use that vehicle for public/ private hire work until the licence is granted.**

N.B. Whilst the minimum emission standard for wheelchair accessible HCVs is Euro 5, the council **strongly recommends** that proprietors licence a wheelchair accessible HCV that conforms to a higher emission standard so to ensure a maximum return on the investment. Vehicle proprietors purchasing a new vehicle may wish to consider replacing their non-WAV HCV with a wheelchair accessible HCV that is Euro 6, electric or ultra-low emission.

4. Timescales

4.1 Proprietors of non-WAV HCVs can apply to licence their non-WAV as a private hire vehicle from January 2020 onwards. The council will provide proprietors with special application forms before this date.

5. Approved wheelchair accessible vehicles

5.1 A list of approved wheelchair accessible vehicles can be found [on the council's website](#).

5.2 Proprietors wishing to licence a wheelchair accessible vehicle not currently on the list should contact the licensing section in the first instance.

6. Guidance

Proprietors of non-WAV HCVs should be aware that the council will issue vehicle licences for non-WAV HCVs to expire on 31 December 2021. A renewal reminder will be sent out in the usual manner to remind proprietors of non-WAV HCVs of the 31 December 2021 deadline. The options for proprietors of non-WAV HCVs are laid out below.

6.1 Licence new wheelchair accessible HCV and surrender non-WAV HCV

A HCV proprietor may wish to apply to licence a new wheelchair accessible HCV and choose not to licence their non-WAV as a private hire vehicle.

The HCV proprietor must make an application for a new wheelchair accessible HCV¹. The special application form will allow you to notify us of the surrender of the non-WAV HCV. The new wheelchair accessible HCV will retain the same licence number.

It is **strongly** recommended that vehicle proprietors make their application as near as possible to the renewal date of the non-WAV (to be surrendered) to avoid additional costs and paperwork (see [Recommendations](#) above).

Documents required (in addition to application form)

- MOT & fitness
- HC insurance
- V5
- Meter calibration certificate
- Old HCV plate / window badges

6.2 Licence wheelchair accessible HCV and licence non-WAV HCV as private hire

A HCV proprietor may wish to apply to licence a new wheelchair accessible HCV and at the same time apply to licence their non-WAV as a private hire vehicle.

The HCV proprietor must make an application for a new wheelchair accessible HCV². The special application form will make provision for a simplified process to licence their non-WAV as a private hire vehicle as part of the same application and fee.

The new wheelchair accessible HCV will retain the same licence number (as was on the non-WAV), and a new private hire vehicle licence number will be issued.

It is **strongly** recommended that vehicle proprietors make their application as near as possible to the renewal date of the non-WAV (to be surrendered) to avoid additional costs and paperwork (see [Recommendations](#) above).

Documents required (in addition to application form)

Licence wheelchair accessible HCV	Licence non-WAV as private hire
<ul style="list-style-type: none">• MOT & fitness• HC insurance• V5	<ul style="list-style-type: none">• MOT & fitness (can use current)³• PH insurance• V5

¹ Special application form will be made available in due course.

² Special application form will be made available in due course.

³ The length of licences using current MOTs will be limited to the MOT's expiry date.

<ul style="list-style-type: none"> • Meter calibration certificate • Old HCV plate/ window badges 	
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6.3 Licence non-WAV HCV as private hire

A HCV proprietor may not want to replace their non-WAV HCV with a wheelchair accessible HCV. In this case, the proprietor can either 1) licence their non-WAV HCV as a private hire vehicle or 2) let the non-WAV HCV licence lapse on 31 December 2021.

In the case of the former (1), the HCV proprietor can apply⁴ to license the non-WAV HCV as a private hire vehicle.

It is **strongly** recommended that vehicle proprietors make their application as near as possible to renewal date of the non-WAV to avoid additional costs and paperwork (see [Recommendations](#) above).

Documents required (in addition to application form)

- MOT & fitness (can use current)⁵
- PH insurance
- V5
- Old HCV plate/ window badges

6.4 Surrender non-WAV HCV

If the non-WAV HCV proprietor does not want to replace their non-WAV with a wheelchair accessible vehicle, no action is required by the vehicle proprietor as the non-WAV HCV licence will automatically lapse on 31 December 2021. The proprietor will need to surrender their old HCV plate and window badges within 7 days.

Documents required

- Old HCV plate/ window badges

7. Wheelchair loading: Training and guidance

A number of HCV proprietors have raised questions about training to safely load and secure wheelchairs.

There is no statutory duty on the authority to provide proprietors with training. The authority is required under Section 165 of the Equality Act 2010 to ensure that drivers are upholding the duties placed on them which are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- to give the passenger such mobility assistance as is reasonably required.

⁴ Special application form will be made available in due course.

⁵ The length of licences using current MOTs will be limited to the MOT's expiry date.

Statutory guidance issued by the Department for Transport encourages local authorities to “provide drivers with clear guidance on their duties with respect to the carriage of passengers in wheelchairs” – either as part of existing driver-facing guidance or as supplementary communication.

The Disabled Persons Transport Advisory Committee’s Disability Equality and Awareness Training Framework for Transport Staff may provide a useful resource in this respect. This can be found at <https://webarchive.nationalarchives.gov.uk/20080731162545/http://www.dptac.gov.uk/education/stafftraining/pdf/trainingframework-nontabular.pdf>.

Whilst there is no specific statutory requirement to provide competency ‘training’, the authority is aware of the requirements to “provide drivers with clear guidance on their duties with respect to the carriage of passengers in wheelchairs”.

To this end, the council will provide the trade with further and more specific guidance on their section 165 duties including external training providers.