

REPORT TO	DATE OF MEETING
GENERAL LICENSING COMMITTEE	21st October 2014

Report template revised July 2004



SUBJECT	PORTFOLIO	AUTHOR	ITEM
Amendment of criteria for Hackney Carriage Vehicles to be wheelchair accessible	Regeneration, Leisure and Healthy Communities	Jennifer Mullin	4

SUMMARY AND LINK TO CORPORATE PRIORITIES

A report on the decision taken by General Licensing Committee on 14th April 2005 regarding the amendment of the criteria for hackney carriage vehicles to be wheelchair accessible. A period of 10 years until 1st April 2015 was allowed for current hackney operators to meet the criteria.

The work undertaken by the team makes a direct and extensive contribution to the following strategic objectives:

“South Ribble is Clean, Green and Safe”

“South Ribble Strong and Healthy Communities”

“South Ribble is an efficient, effective and exceptional council”

RECOMMENDATIONS

The Committee is requested to determine whether or not to amend the Committee decision made on the 14th April 2005 that all Hackney Carriages that reach the Council’s age policy limits after 1st April 2015 must be replaced with wheelchair accessible vehicles.

DETAILS AND REASONING

On the 14th April 2005 the General Licensing Committee met following the Office of Fair Trading (OFT) report ‘The Regulation of Licensed Taxi and Private Hire Vehicles Services in the UK’. This report recommended the De-restriction of Hackney Carriage Vehicles (HCV).

Prior to this decision HCV numbers were tightly controlled by the Local authority. The Licensing Authority’s decision to de-restrict hackney carriages was made alongside the introduction of quality control measures designed to keep the condition of hackney carriage vehicles to a high standard. One of these measures was to introduce the condition that all HCV be purpose built and wheelchair accessible.

A Taxi Trade Forum was held prior to the Committee on the 21st March 2005 and as a direct result of this meeting, it was proposed and accepted by the General Licensing Committee that in order to protect small businesses, a period of 10 years, rather than 8 be allowed for current Hackney Carriage proprietors to operate under the existing hackney carriage conditions.

In accordance with the timescales of this decision, notices are now being sent to hackney carriage proprietors reminding them of the condition when they renew their plates. This prompted a number of taxi drivers to approach the licensing team and request a Taxi Forum meeting to oppose the introduction of this condition. Those who attended put forward the following main reasons for their objections to the introduction of this condition:

- There are sufficient numbers of wheelchair accessible vehicles in South Ribble to cater for Wheelchair bound residents.
- Most wheelchair bookings are pre-booked not rank or flag down in South Ribble.
- Saloon type vehicles are needed to serve the elderly, infirm and non-wheelchair bound disabled residents as they are easier to get into than wheelchair accessible vehicles.
- Most wheelchair bound residents have their own adapted/modified vehicles in South Ribble.
- Drivers will be forced out of business because a purpose built taxi costs £30,000 new and approximately £17,000 used and this will lead to a number of drivers becoming unemployed and claiming benefits.
- The vehicles cost a lot more to run and are more polluting to the environment which will push up fares.
- Hackney carriage proprietors may choose to change over to private hire vehicles which could result in no Wheelchair Accessible Vehicles being available on the ranks or to flag down on ranks.

South Ribble Borough Council Licence 98 Wheelchair Accessible Vehicles with 17 HCV and 81 Private Hire Vehicles being wheelchair accessible. Taxis are a crucial part of the transport network for disabled people using public transport. In the Law Commission's review of Taxi and Private Hire Services, accessibility is a key part to their report and they propose it to be a central requirement to any national standards. Currently In line with this they have recommended that the Secretary of State impose the following national standards.

1. All private hire and taxi drivers should be required to undergo recognised disability awareness training.
2. In order to ensure that licensing authorities specifically consider the needs of disabled passengers as part of reviewing their local licensing conditions, we recommend a new procedural requirement for licensing authorities to review their taxi licensing policy at least every three years, in order to assess whether the needs of their disabled constituents are being met.

It is the view of the Law Commission that a mixed fleet would, in general, more appropriately meet the needs of disabled people. It is clear that one size does not fit all, and that there is a danger of focusing too heavily on the needs of passengers in wheelchairs, perhaps at the expense of those with other, sometimes less obvious, accessibility needs. Even amongst those who use wheelchairs there are different requirements. This is one of the reasons why the Department for Transport has found it so difficult to identify a "universal" vehicle in order to implement provisions in the Equality Act 2010 and make regulations on taxi accessibility. Therefore the commission has not proposed to introduce quotas of wheelchair accessible vehicles or any requirements for a mixed fleet. However, they recommend that authorities should aim to ensure a mixture of different types of taxis in their area.

The licensing team have consulted colleagues across Lancashire to establish other local authority requirements and found a very mixed picture with Preston and West Lancashire licensing only the London Black Cab which are all wheelchair accessible with Chorley, Pendle, Hyndburn not requiring wheelchair accessibility.

To comply with its public sector equality duty under the Equality Act 2010, to meet the varied needs of the travelling public and to address the accessibility requirements of ambulant disabled and elderly people, in addition to those of wheelchair users, below are some options you may wish to consider:

- a) Do not vary the decision made on the 14th April 2005.
- b) Remove the condition entirely.
- c) Vary the decision so that it remains a requirement for all new Hackney Carriages to be wheelchair accessible, but with an indefinite exemption to current Hackney Carriage proprietors.

In order to achieve the objective of guaranteeing a reasonable proportion of wheelchair accessible taxis whilst providing alternative vehicles for those with ambulatory disabilities and the elderly, it is generally agreed that option c) would allow flexibility among existing vehicle proprietors to purchase the most suitable vehicle to serve their client base, while ensuring that the fleet remains mixed, as all new hackney carriage licences will continue to be issued in respect of wheelchair accessible vehicles only. The taxi drivers who attended the Taxi Driver Forum have indicated they have a petition opposing the criteria for hackney carriage vehicles to be wheelchair accessible. The drivers are currently still collecting signatures and they wish to present this information on the day of the committee.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below. A risk assessment has also been carried out. The table shows the implications in respect of each of these.

FINANCIAL	There are no direct financial implications for the Council arising from Consideration of the report.
LEGAL	<p>Under the provisions of section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, a Council may attach to the grant of a licence of a hackney carriage under the Town and Police Clauses Act 1847 such conditions as the district council may consider reasonably necessary.</p> <p>The Council's previous policy requiring 100 per cent wheelchair accessible vehicles became vulnerable to a legal challenge due to the Government position and the Law Commission's recommendations and in particular, the fact that the proposed regulations requiring all taxis to be wheelchair accessible were not brought into force. In addition, it has become apparent that the needs of those with a wider range of disabilities must be taken into account. Any decision taken to implement a new policy will be challengeable by way of judicial review on normal judicial review grounds, namely failure to take into account a relevant consideration, taking into account irrelevant considerations or taking a decision that is so unreasonable that no reasonable authority could take it. The Council is entitled to change its policies at any time.</p>
RISK	See Legal and Equality Implications.

<p>THE IMPACT ON EQUALITY</p>	<p>The Equality Act 2010 provides in section 149 that a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not and foster good relations between persons who share a relevant protected characteristic and persons who do not.</p> <p>In this context the relevant protected characteristics would be disability and age. It should be noted that the definition of disability encompasses any physical impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. This includes any impairment affecting a person's mobility and could include age related conditions.</p> <p>The duty includes having regard to the need to remove or minimise disadvantages suffered, take steps to meet the needs of persons with a relevant characteristic that are different from the needs of those without and to encourage persons with a relevant characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low. In order to comply with the duty it is necessary to have such regard to the above matters as is appropriate in the circumstances. The duty is to have regard to the need to achieve the specified goals, as opposed to a duty to actually achieve those goals.</p> <p>To comply with the duty in this particular case it will be necessary to balance the interests of the wheelchair using disabled against the ambulatory disabled and the elderly. It will be necessary to consider the effects of any particular decision on different groups and consider ways of mitigating any detrimental impact identified.</p> <p>The Equality Act 2010 empowers the Government to regulate transport provision and specific clauses address control of taxi services, although they remain to be brought into operation by regulation. Government has so far not given a firm date for those powers to be introduced.</p> <p>Research conducted by the Office of Fair Trading in 2002-03 showed that disabled people used taxis and private hire vehicles more frequently than other members of the public with 67 per cent being users. About 5 per cent of the national population use wheelchairs. Locally, the census undertaken in 2011 revealed that 5 per cent of South Ribble residents considered themselves to have some form of Long-term health problem or disability.</p>
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<p>OTHER (see below)</p>	
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<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

BACKGROUND DOCUMENTS

Taxi Trade Forum Minutes 21st March 2005 (Appendix A)
 Report of General Licensing Committee 14th April 2005 – including the proceedings of the committee on 14 April and 9 June 2005 (Appendix B)