
**REVIEW OF CONDITIONS AND POLICIES RELATING TO HACKNEY
CARRIAGES, PRIVATE HIRE VEHICLES AND THEIR DRIVERS AND OPERATORS**

Responsible Cabinet Member - Councillor David Lyonette, Transport Portfolio

Responsible Director - Richard Alty, Director of Place

SUMMARY REPORT

Purpose of the Report

1. To invite Members to consider some modifications to the Council's current policies and conditions in respect of hackney carriage and private hire vehicles, drivers and operators in the Borough of Darlington and in particular some revisions to the Council's Policy in respect of accessibility for disabled travellers.

Summary

2. This report provides information for Members in relation to current and proposed policies and conditions in respect of hackney carriage and private hire vehicles, drivers and operators.
3. This report also deals with the issue of accessibility of vehicles in respect of disabled travellers following consultation with disabled persons and groups representing such persons.

Recommendation

4. It is recommended that the revised policy and conditions as detailed in **Appendices 1 and 3** to the attached report be approved and that all remaining policies and conditions be retained.

Reasons

5. The recommendations are supported by the following reasons :-
 - (a) To provide a safe, accessible and comfortable taxi service for travellers in the Borough of Darlington

Richard Alty
Director of Place

Background Papers

- (i) The Equality Act 2010
- (ii) The Town Police Clauses Act 1847
- (iii) The Local Government (Miscellaneous Provisions) Act 1976
- (iv) Darlington Council's Byelaws in respect of Hackney Carriages, 1990
- (v) The Current Policies and Conditions in respect of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

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S17 Crime and Disorder	There are no issues which this report needs to address.
Health and Well Being	There are no issues which this report needs to address.
Carbon Impact	There are no issues which this report needs to address.
Diversity	The proposals will increase equality of opportunity for the disabled travelling public.
Wards Affected	The proposals affect all Wards.
Groups Affected	The proposal affects all disabled travellers.
Budget and Policy Framework	This report represents a change to Policy.
Key Decision	The proposals do not represent a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	The proposals contribute to the healthy Darlington theme by removing or reducing constraints that deter or prohibit travel and therefore impact on wellbeing.
Efficiency	This report has no impact on the Council's Efficiency Programme.

MAIN REPORT

Information and Analysis

Background

6. Hackney carriages are public hire vehicles which are permitted to ply for hire in the controlled district of Darlington and also from designated taxi ranks within Darlington. They may also undertake pre booked fares. Private hire vehicles on the other hand are limited to pre booked fares only and such bookings must be made through a licensed private hire operator. The licensing of hackney carriage and private hire vehicles, drivers and private hire operators is regulated by a range of legislation but specifically the Town Police Clauses Act 1847 (the 1847 Act) and The Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act).
7. Currently, hackney carriages and private hire are controlled by a mixture of Council policies, licence conditions and byelaws. The 1976 Act permits the Council to attach conditions to the grant of private hire driver and operator licences and private hire and hackney carriage vehicle licences "as it may consider reasonably necessary". The 1847 Act permits the Council to make Byelaws to regulate the conduct of hackney carriage drivers.

8. The 1976 Act also gives a right of appeal to the Magistrates' Courts to any person who is aggrieved by any of the conditions placed on a licence. Such appeal must be made within 21 days of receipt of licence.
9. The Government is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Hackney carriages and private hire vehicles are a vital link in the accessible transport chain and, although disabled people are reported to travel a third less often than the able bodied public, government research has shown that in general they use taxis and private hire vehicles on average 67% more often.
10. The entire policies and conditions relating to the taxi trade were last reviewed and approved by full Council on 22 July 2010 following full consultation. The issue of accessibility for disabled travellers was however excluded from the report considered by Members as further consultation was needed with groups representing disabled travellers and also a full Equality Impact Assessment needed to be undertaken.
11. Following the consultation process detailed at sections 12 to 25 of this report, policies in respect of the transporting of travellers with disabilities have been completely revised. At the same time the opportunity was taken to revisit all policies and conditions and as a result some have been reviewed. **Appendix 1** to this report details the proposed accessibility policies and **Appendix 3** details the general amendments to the Policy.
12. At the time of writing this report, Darlington Council had 199 licensed hackney carriage vehicles and 53 licensed private hire vehicles. Of these 11 are wheelchair accessible, (9 hackney carriages and 2 private hire vehicles). For simplification both types of vehicles are referred to in this report as "Taxis".

The Consultation Process

On-Street Survey

13. On March 2010 an on-street survey was undertaken on behalf of the Council in respect of taxi use by members of the general public. Licensing Officers requested that this survey included specific questions for disabled persons. Interviewers achieved a sample of 352 respondents of which 136 considered themselves to have a long term limiting illness or disability. The survey established that the majority of respondents used taxis; however, the percentage of those using taxis with limiting long-term illness or disability (64.2%) was not significantly different to those without, (66.0%). The majority of respondents also accessed taxis by telephone booking with only 3.5% stating that they used a taxi rank.
14. All respondents were asked what improvements they would like to see to taxis. 65.2% did not suggest an improvement. The most sought after improvement was timekeeping and reliability, (13% of the overall sample). 4.3% commented upon the costs of taxis and 5.2% on the attitude of staff and drivers to customers. 4.3% commented upon access into the taxis, with this rising to 8% of those with a long-term limiting illness or disability. A further 3.9% of the overall sample commented upon the cleanliness of taxis and 1.3% on the charging by drivers.

15. Primarily the problems experienced were lack of reliability and/or timeliness of the taxis, lack of assistance from drivers, and lack of facilities to enable use, such as child seats or places for wheelchairs. A small number of people complained about the cost of journeys, although, worryingly, overcharging by drivers was mentioned by 7.3% of those questioned.

Consultation with Groups Representing Specific Disabilities

16. Officers have been working closely with Darlington Association on Disability (DAD) to access groups representing members of the public with a wide range of disabilities to establish their needs and priorities in respect of accessibility of taxis.
17. During early 2011, further consultation was carried out with representatives of disabled groups by way of face to face meetings and questionnaires. The groups contacted were the Deaf Forum, Dimensions, MenCap and Gateway, Darlington Social Club for the Blind and Visually Impaired, and Darlington's Learning and Disability People's Parliament. These groups were specifically asked to focus on how they used taxis to establish what problems, if any, there were in using such vehicles and what improvements could be suggested.
18. The responses received showed that most of the participants obtained taxis by telephoning a company or driver; with only one participant using a rank or hailing a vehicle in the street.
19. Whilst the targeted consultation did not specifically show that large numbers of people with disabilities had any particular problems with accessing suitable vehicles some respondents identified problems with actual seating in the vehicles (either too high or too low), the lack of sufficient room for wheelchairs and need for more boot space. In addition the consultation reflected the concern of some users at the attitude of the driver.
20. As a result of the consultation Officers revisited the Policy and drew up some specific proposals in respect of accessibility (see **Appendix 1**). In summary these include the following proposals:-
 - (a) Permitting vehicles that have been converted to carry wheelchairs after first registration to be licensed subject to the conversion being undertaken by an approved vehicle convertor and a certificate of fitting being provided.
 - (b) To extend the incentive of a 25% reduction of the licensing fee to converted vehicles subject to evidence that the driver(s) of the vehicle has undertaken accredited training in the handling of passengers with disabilities. This will be controlled by a condition on the vehicle licence requiring that only such trained drivers may drive the vehicle. It is anticipated that the financial effect on the taxi licensing budget will be minimal but this will be kept under close review.

Consultation with Trade

21. On 1 June 2011 a letter was sent to all vehicle proprietors and private hire operators advising of the proposed amendments to the Policy and inviting comments in respect of the proposals to be received no later than Friday 1 July 2011.

22. Only one response was received on 27 June 2011. The proprietor concerned made comments in relation to the proposed amendments. The comments and officers responses can be referred to in **Appendix 2**.

Consultation with Darlington Association on Disability

23. A copy of the June 2011 consultation letter was also sent to Darlington Association on Disability (DAD). No additional comments were received in respect of the proposals.

Further Consultation with Trade

24. On 17 August 2011 a further letter was sent to the Trade proposing some general amendments to the Policy. In summary these are as follows:-
- (a) An extension of the provisions of exceptionally well maintained vehicles to require that the glass and surrounds of all lights and indicators be complete and intact.
 - (b) An amendment to the provisions relating to spare wheels to permit space saver wheels subject to strict criteria and clarification that pressurised tyre sealants will not be permitted in any circumstances.
 - (c) A change from the requirement to produce a certificate of compliance for a vehicle to the production of a MOT certificate.
 - (d) Clarification of the safety requirements for vehicles with sliding doors.
 - (e) A requirement that fire extinguishers be marked with the vehicle licence number.
 - (f) A prohibition on override switches in hackney carriages and private hire vehicles fitted with taximeters.
 - (g) A requirement that tyres on the same axle should be the same size.
 - (h) Clarification that credit card charges may not be levied on hackney carriage fares.
 - (i) Several requirements relating to Private Hire Operators as follows:-
 - (i) The requirement for all Directors and the Company Secretary of Limited Companies to be subject to criminal record checks.
 - (ii) The introduction of a knowledge test for all Applicants for a Private hire Operator Licence.
 - (iii) The requirement that all new applications for a Private Hire Operator Licence be referred to the Licensing Committee for initial decision.
 - (iv) An amendment to the complaints procedures for Private Hire Operators to permit authorised officers to input into the resolution of those complaints investigated by the Council.

25. Full details of the proposals have been reproduced at **Appendix 3** with the rationale for such changes.
26. The Trade was invited to respond in writing no later than 14 September 2011. No responses were received, however the Trade Member who responded to the earlier consultation in June 2011 did make comment on the override switches in vehicles and this also has been reproduced in **Appendix 2**.
27. A further hackney carriage vehicle condition has been clarified and is also included at **Appendix 3**. This in respect of the requirement for hackney carriages which operate through Private Hire Operators to display the details of their Operator on the side of the vehicles. The point of clarification is to make clear that this specifically refers to Darlington Council licensed Private Hire Operators

Consultation with the Licensing Committee

28. On 4 October 2011 a report for information in respect of the proposals contained within this report was presented to the Council's Licensing Committee and Members gave their support to the recommended changes to the Policy.

Additional Information

29. As part of the research into wheelchair and other means of disabled accessibility Officers considered the use of swivel seats in the front of saloon vehicles. This has been discounted because of safety issues surrounding such mechanisms and in particular the need to disable airbags in some vehicles if such seats are installed.

Equalities Impact Assessment

30. The policy has been discussed with Darlington Association on Disability (DAD) and with their support and assistance a full Equalities Impact Assessment has been undertaken in respect of accessibility issues. This assessment is appended at **Appendix 4**.

Conclusion

31. If Members are minded to approve the introduction of the new policies and conditions these must be phased in when a renewal licence is granted. It is therefore proposed that the new conditions will apply to licences due for renewal from 01 April 2012 This will mean that, with certain exceptions, the new conditions will apply to the current trade within a 12-month period, ending 31 August March 2013. The new conditions will however apply to all new applicants with immediate effect following approval by Council.

PROPOSED AMENDMENTS TO THE POLICY – WHEELCHAIR ACCESSIBILITY	
Current Policy	Wheelchair accessible vehicles must be purpose built or converted at the point of manufacture (that is prior to first registration) rather than vehicles that have been later converted for access.
Proposed Policy	The Council will licence a vehicle that is suitable in size and design, and has been converted or adapted after the date of first registration to enable the carriage of a wheelchair provided that the conversion is carried out by an approved vehicle convertor such as Wheelchair Accessible Vehicle Converters' Association and a certificate of fitting provided by the convertor is supplied as an original document. NB (The current exemption for purpose built wheelchair accessible vehicles such as London Cabs which may be licensed up to 10 years of age will <u>not</u> be offered to vehicles which have been converted or adapted to carry wheelchairs).
Rationale	The number of wheelchair accessible vehicles has not risen since the Policy was introduced. With the safety provisions detailed above in place this provides an opportunity for an increase in the total number of such vehicles. The 10 year exemption will be retained for only for purpose built vehicles which cost in excess of £30,000 when new, however converted vehicles can be considered through the exceptionally well maintained vehicle provisions to extend their licensing life beyond 6 years.
Current Policy	A licensing incentive is given to all purpose built, fully accessible vehicles by way of a 25% reduction in the annual licence fee. This reduction was offered at first licensing or at renewal of vehicles from 1 September 2010.
Proposed Policy	In addition to the 25% discount currently offered for purpose built Wheelchair accessible vehicles, the Council will offer a 25% reduction in the licensing fee to those approved vehicles which have been adapted or converted to carry wheelchairs subject to written proof that the driver(s) has undertaken accredited training in handling passengers with disabilities.
Rationale	It is recognised that, although it will be a lesser cost than the purchase of a purpose built vehicle, there will be a cost to the trade to provide a converted vehicle. The reduction in fee is a further incentive to increase the numbers of wheelchair accessible vehicle. The limiting of the reduction in fee to vehicles where the proprietor has ensured his driver(s) has undertaken accredited training is to promote safe handling of disabled passengers in vehicles that were not originally designed for such use.

TRADE RESPONSE TO INITIAL CONSULTATION	
Trade Comment	The Council's decision not to offer a 10 year exemption for a converted vehicle is unfair given the cost of a conversion.
Officer Response	<p>The ten year exemption is given to those vehicles which are purpose built hackney carriages in recognition of the initial investment to purchase such a vehicle, which can be in the region of £30,000 to £35,000. The cost of converting a suitable vehicle can cost as little as £2,000 to £5,500.</p> <p>As the Policy permits vehicles, other than purpose built accessible vehicles, which comply with the exceptionally well maintained provisions to be licensed beyond the 6 year age policy proprietors have the opportunity to extend the period of licensing.</p>
Trade Comment	There are no real incentives offered to owners to invest in wheelchair accessible vehicles – Stockton offer 50% discount whereas Darlington Borough Council only offer 25% Is this why there are so few wheelchair accessible vehicles in Darlington
Officer Response	Stockton Council has offered a 50% discount to brand new wheelchair accessible vehicles for almost 20 years. It currently has 301 hackney carriages of which 27 (9%) are wheelchair accessible and 318 private hire vehicles of which 9 (2.8%) are wheelchair accessible. When first introduced the number of wheelchair accessible vehicles actually reduced and the current figures have remained largely static for many years with only one new licence from 2009 onwards. It has not therefore had any great impact in respect of encouraging such vehicles to be presented for licensing.
Trade Comment	Do I get grandfather rights with regard to accredited training?
Officer Response	If the training has been accredited then subject to written proof of this it will be accepted.
Trade Comment	Unlinking the meter from the roof sign – cannot switch off meter.
Officer Response	The respondent has claimed that unless he is permitted to disconnect his meter from his roof sign he will be unable to switch off the meter when the vehicle is not in use as a hackney carriage. Officers have spoken to the manufacturer of the respondent's taximeter who has advised that this meter can indeed be switched off in such circumstances. Members are aware that there is widespread failure to use the taximeter and thus the travelling public are at risk of being overcharged, hence the requirement that the meter and roof sign are linked.

ADDITIONAL PROPOSED AMENDMENTS TO THE POLICY	
Current Policy – certificates of compliance	At present a vehicle Licence will only be issued where the vehicle has evidence of valid certificate of mechanical compliance test from the garage nominated by the Council. (VOSA) The compliance inspection is carried out at six monthly intervals
Proposed amendment to Policy	To amend this to require the production of a valid MOT certificate or legal equivalent. Although an MOT lasts for 12 months all vehicles will still be required to undergo a bi-annual inspection.
Rationale	<p>The Road Traffic Act, 1972, Section 44, introduced a requirement that all vehicles over the age of three years required an M.O.T. certificate. Hackney carriage vehicles are required, under an EEC directive made in 1983, to be tested annually from one year old and be given a certificate of compliance if they meet the requirements. Private hire does not require annual MOT tests until the vehicle is three years old.</p> <p>The Motor Vehicles (test) Regulations, 1981 introduced regulations allow for private hire and hackney carriage vehicles to be exempt from the need to undergo an additional M.O.T. test, but only if the District holds a certificate of exemption issued by the Secretary of State. Darlington VOSA holds such a licence and can therefore issue certificates of compliance for licensed vehicles. However the certificate is only valid when the vehicle is being used as a licensed vehicle. When it is used for private use (e.g. a holiday, an outing etc) or when it is suspended it may not covered by the Certificate of Compliance. The introduction of an annual MOT certificate will remove any ambiguity and mean that vehicle proprietors can obtain an MOT certificate from any approved MOT testing station. The requirement to have a bi-annual test at VOSA will remain.</p>
Current condition – spare wheels	The current vehicle condition (HV3/PV3) requires that the vehicle is equipped with a spare wheel to fit the vehicle and equipment to change a wheel on the vehicle with that wheel e.g. a jack and wheel brace.
Proposed amendment to condition	<p>To extend the current condition to include a provision that where vehicles are supplied by the manufacturer fitted with a space saver spare tyre the Council will permit their use in licensed vehicles, subject to the following:</p> <ol style="list-style-type: none"> a) The carriage of passengers is not permitted whilst such a tyre is fitted. b) The tyre used must be supplied or recommended by the manufacturer of the vehicle concerned and shall be replaced after it has been used on the vehicle. c) The space saver is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair. d) Due to the speed restriction and the fact that the tyre compound is generally softer (to simulate traction capabilities to compensate for imbalance) the distance travelled using a space saver should not be in excess of 50 miles. e) The use of pressurised tyre sealants will not be permitted in any circumstances.

Rationale	<p>A number of vehicle manufacturers do not provide a full size spare tyre, and instead provide either a space saver tyre which is a narrower width tyre, or an inflation kit. More importantly, in these instances, there is no space to carry a full size spare tyre. In order to comply with current Policy, vehicle proprietors must carry a full size spare tyre in the boot area of the vehicle which restricts luggage space and, which, if not properly secured, can pose a danger in the event of an accident. As the space saver tyre is an emergency tyre with limited use on the road, the amended condition should ensure that passenger safety is maintained.</p> <p>Whilst the use of space saver tyres can be deemed acceptable subject to the criteria of use detailed above, tyre sealants are only effective on certain punctures and such a prohibition of use avoids any confusion.</p>
Current condition– fire extinguishers	The current vehicle condition (HC13/PV14) requires that an efficient fire extinguisher be carried in the vehicle in such a position as to be readily available for use.
Proposed amendment to condition	To require that the fire extinguisher is clearly marked with the vehicle licence number in indelible black ink.
Rationale	To prevent fire extinguishers from being exchanged between vehicles thus ensuring that all vehicles are carrying a fire extinguisher at all times.
Proposal – debit & credit card charge on taxi fares	To introduce a new condition for hackney carriages that an additional fee may not be levied over and above the metered fare in respect of a credit or debit card charge.
Rationale	Taxi fares are set by the Council and are the maximum that can be charged for a journey The trade has requested that a charge of up to 10% be applied to any hiring which is paid by way of a credit or debit card. This provides protection for the public where increasingly cash is not used as a method of payment.

ADDITIONAL PROPOSALS – VEHICLES	
Proposal - tyres	To amend the vehicle specification (HV3/PV3) to require that tyres on the same axle must be of the same nominal size and aspect ratio.
Rationale	Vehicles have been presented to VOSA testing station with different size tyres on the same axle. This condition is to be inserted to restrict this practice in the interests of public safety.
Proposal – sliding doors	To amend the vehicle condition (HV15/PV16) in respect of sliding doors to require that where sliding doors are fitted to the vehicle the opening and closing mechanism shall not be so altered so as to prevent the doors from locking into the open position.
Rationale	This is in the interests of public safety following the death of a passenger in 2010 who fell from a moving taxi (in another part of the UK). The driver had wedged a piece of cloth into the door mechanism which prevented the doors of the vehicle from locking into the open position, This allowed the driver open or close the vehicle doors without leaving his seat.

Proposal – exceptionally well maintained criteria	To include an additional requirement to the Exceptionally Well Maintained Exterior list to read “No broken or missing glass or surrounds on all front and rear lights and indicators (including repeater indicators where fitted)”.
Rationale	The addition of this requirement is to enhance the current list of requirements for vehicles to meet the exceptionally well maintained criteria.
Proposal – override switches for taximeters	To introduce a new condition for hackney carriages and to amend the private hire condition (PV13) to require that the taximeter is directly linked to the vehicle roof sign so that when the meter is in use, the roof sign is not illuminated. Also to prohibit override switches or similar devices which permit the disconnection or unlinking of the meter to the illumination of the vehicles roof sign.
Rationale	The fitting of an isolation switch to operate the roof sign illumination has become common practice amongst certain hackney carriage vehicle proprietors. The result is that drivers can switch off the roof sign whilst not engaging the taximeter. If the meter is not engaged for all journeys this can result in passengers being overcharged.

PRIVATE HIRE OPERATORS	
Current Policy – Criminal Record Checks	Private Hire Operators who are not licensed drivers are currently required to produce a basic Criminal Record Check or search results on criminal convictions obtained within the previous month.
Proposed amendment to Policy	It is proposed that this is clarified to include the Company Secretary and all Directors where the Operator is a Limited Company.
Rationale	To ensure that all persons directly involved in the running of a private hire operator business meet the legislative requirements to be “fit and proper persons”.
Current condition - complaints	Operators are required to notify the Council in writing of all complaints received concerning a hiring (PO5) and also provide information on the action they propose to take.
Proposed amendment to condition	It is proposed that the current condition be amended to require that where a complaint is investigated by an Authorised Officer of the Council, the Private hire operator shall comply with any reasonable directions of the Officer in respect of that complaint.
Rationale	To afford Officers the discretion to ensure that operators have dealt with a complaint in the most appropriate manner to the benefit of the complainant where appropriate.
Proposal – Initial applications for operator licences	To require that all new applications for a Private Hire Operator Licence be referred to the Council’s Licensing Committee.
Rationale	To emphasise the significance the Council places on Operators to comply with the legislative requirements at all times.

Proposal – knowledge tests for operators	That all new applicants for a Private Hire Operator Licence shall successfully undertake a knowledge test relating to relevant legislation, licence conditions and policies.
Rationale	To ensure that private hire operators are fully conversant with all legislation, policy and conditions attached to their licence as part of the “fit and proper” test for such applicants.

TAXI LICENSING

DISABILITY EQUALITIES ASSESSMENT RECORD SHEET

Policy Title: Taxi Licensing			
Policy Owner: Pam Ross/Julie Richings			Date: 31 st October 2011
Type of Assessment	Type 1	Type	Type
Is this a policy or an action? Policy and supporting actions			
<p>Background</p> <p>This assessment has arisen from a review of Taxi Licensing policy carried out in 2010. This led to a decision to carry out further investigations on accessibility issues relating to taxi use. Any additional proposals to change licensing policy arising from this further work would then be incorporated in recommendations to the Council on further changes to policy. It is intended to present a report to Council recommending changes to policy to improve accessible taxi provision in January 2012.</p>			
<p>The Initial Proposal</p> <p>The starting point for the assessment was a proposal to amend Taxi Licensing policy to encourage the taxi trade to provide more wheelchair accessible vehicles on taxi ranks and through private hire. It is proposed to do this by:</p> <ul style="list-style-type: none"> • Offering a reduced licensing fee for accessible vehicles • Relaxing current rules on the maximum age of purpose built vehicles presented for licensing from 3 years to 5 years • Allowing existing vehicles to be converted to be wheelchair accessible – current rules require that vehicles must have been designed to be wheelchair accessible at point of manufacture. The proposal includes requirements for ensuring that conversions are carried out by approved vehicle converters to appropriate national standards. Such vehicles will be able to access a reduced licensing fee subject to all drivers being adequately trained in the carriage of passengers with disabilities. 			
<p>Carrying out the Assessment</p> <p>This assessment is based on discussions with disabled people about their experiences of using taxis in Darlington. It is impracticable to engage with every disabled person who may use taxis. Therefore the assessment is based on:</p> <ul style="list-style-type: none"> • Discussions with both individual representatives of DAD and at the DBC/DAD Sub Group to identify issues with use of taxis by disabled people. • Discussion with members of People’s Parliament. • Two DEIA engagement sessions with Dimensions service users on 16 June and 29 June covering both taxis and budget proposals on supported buses. • A discussion with the Deaf Forum on 14 June. 			

- Two DEIA engagement sessions with members of the Deaf Association Club (Eldon Street) on 26 July and 30 August covering both taxis and budget proposals on supported buses.

Whilst these consultation and engagement sessions do not include all disabled people, they provide information from people with impaired mobility, sensory impairments and learning disabilities. They generated a consistent picture of the range of issues people experience in using taxis.

Findings / Issues

The issues identified from the consultation and engagements carried out are as follows:

- A lack of wheelchair accessible vehicles available for hire
- The use of the available wheelchair accessible vehicles by taxi owners/operators for non-disabled passengers, often when they are most required by disabled people – for example wheelchair accessible vehicles tend to be used as minibuses to transport groups, particularly on Friday and Saturday evenings, and this use is more lucrative to the operators; school runs are a priority for vehicles during peak hours
- There are specific design issues with wheelchair accessible vehicles rear loading and side loading
- Discriminatory charging - whilst hackney fares are regulated by the licensing authority, private hire fares are flexible, and experience shows that disabled people, and in particular wheelchair users, may be quoted higher fares in respect of private hire bookings than non-disabled people for the same journey once the operator knows that the client is a wheelchair user; this is justified by operators in terms of the time taken to load the wheelchair
- The withdrawal of taxi tokens as part of the concessionary fare scheme has increased the cost of travel for people who cannot use buses
- Driver attitudes – this area gives rise to a wide range of concerns, including:
 - Rude and intrusive behaviour with a lack of the most basic understanding or awareness of the needs of disabled people.
 - Inflexible attitudes, hurrying people, handling people and wheelchairs intrusively or without care.
 - Not having regard to basic health and safety, such as having wheelchairs facing sideways rather than fore and aft, or using the proper equipment to secure wheelchairs.
 - A general unwillingness to offer assistance, for example with shopping, helping people out of/into their house.
- Many people contrasted the service generally available with that provided by one named owner/driver who transports many disabled people in a wheelchair accessible vehicle, notably service users to and from Dimensions; those surveyed stated that this driver has had equalities training and provides an exemplary service; some taxi companies provide a decent service whilst others are not so good – examples of good and bad provided in engagement sessions.

What are the positive or negative effects that the action will have on disabled people?

Positive Impacts

The initial proposal to amend the Taxi Licensing Policy is a positive step to encourage the provision of more wheelchair accessible vehicles and addresses the first of the issues listed above. In addition separate proposals to have designated lists of wheelchair accessible vehicles (i.e. the make and model of vehicles which are suitable for carrying passengers in wheelchairs and which the Council will licence will be advertised to the Trade, with the list increasing as more manufacturers provide suitable vehicles) will mean that drivers will be required to provide assistance to disabled travellers and ensure that no additional cost is levied on such travellers.

Negative Impacts

If action is limited to the initial proposal to amend taxi licensing policy to encourage provision of more wheelchair accessible vehicles, the other issues outlined above may not be addressed. Disabled people will continue to experience difficulties and challenges in using taxis and, when combined with reported difficulties in using bus services, will continue to be disproportionately limited in their personal mobility and in access to shops, services and leisure facilities.

The proposed change to the taxi licensing policy provides the opportunity to consider other measures to address the issues identified, through this impact assessment.

People involved in the engagement sessions identified the following impacts on their quality of life arising from the limitations on their personal mobility:

- It's horrendous trying to get shopping.
- It is difficult getting into town.
- I feel isolated and sometimes lonely.
- I often feel like a second class citizen.
- I feel angry, frustrated and made to feel humiliated; I get very upset and angry.
- I'm getting too scared to go out – I don't know whether I'll be able to get back home.
- I'm often late for work because taxis don't come on time.
- Sometimes the drivers make me feel guilty and small.
- Sometimes the taxi company just puts the phone down if they don't understand me straight away).

What evidence supports this?

Notes taken at discussions with DAD and at engagement sessions with Dimensions and Deaf Forum/Deaf Club.

Who was involved?

Chair and members of DAD (DEIA Sub Group), Dimensions Service users, members of People's Parliament and members of Deaf Forum and Deaf Association Club.

DBC Officers: Pam Ross, Licensing Manager, Julie Richings, Principal Licensing Officer, Simon Houldsworth, Transport Manager; Peter Roberts, Corporate Equalities Officer.

What action will you take as a result of the impact assessment?

Further actions have been identified and are being progressed to address the issues identified above. In considering the recommended changes to policy, decision makers should have regard to these additional proposals. They are:

- The recommended changes to Taxi Licensing Policy include making the reduced licensing fee for converted wheelchair accessible vehicles conditional on drivers of the vehicle taking equalities awareness training, to address the behavioural issues identified above.
- The position on side loading versus rear loading accessible vehicles has been clarified; the Licensing Service gives due consideration to each vehicle presented for licensing in accordance with the policy and does not favour one format over the other.
- Funding has been secured through the Local Sustainable Transport Fund to provide a dedicated community-operated wheelchair accessible vehicle solely for the use of disabled people; management and operational arrangements are currently being discussed between the Council and Third Sector.
- The Council proposes to adopt a list of designated wheelchair accessible vehicles (which includes wheelchair accessible private hire vehicles) using the provisions in S163 and following of the Equality Act when such sections are brought into effect. The list will give the Council some control over fares for private hire vehicles insofar as the Equality Act requires that wheelchair users being carried in designated wheelchair accessible vehicles must not be charged extra for so doing. The Act also makes explicit the Council requirement that hackney and private hire drivers should assist disabled customers.

How and when will this action be monitored?

The effectiveness of changes to Taxi Licensing Policy, and the development of the list will be monitored and assessed through the Licensing Committee.

The Community Taxi project will be monitored and project managed through the joint Council/Third Sector arrangements that are created to develop the project, and through the Council's Place/Transport Commissioning programme.

The views and experiences of disabled people arising from these proposed changes will be monitored through the DBC/DAD Sub Group.

Please tick as many of the following as the policy or action will achieve.

Promote equality of opportunity	√
Eliminate unlawful discrimination	√
Eliminate disability-related harassment	√
Promote positive attitudes towards disabled people	√
Encourage participation by disabled people in public life	√
Take steps to meet disabled people's needs	√