

Appendix A

RECOMMENDATIONS

Recommendation 1: That the committee notes the position regarding the Equality Act 2010 and its possible implications.

Recommendation 2: That the committee notes the current BTEC qualification will not be available to new applicants after 30th September 2010 and delegates power to the Director of Environment to make suitable arrangements for the replacement entry-level qualification for new drivers.

Recommendation 3: That the Hackney Carriage Office (HCO), working in partnership with the Federation of Disabled People and other stakeholders, develop the framework for a Certificate of Professional Competence, research providers, and report with firm proposals by the end of March 2011.

Recommendation 4: That the Director of Environment defines a complaint process and standards to address complaints made about taxi services by passengers and members of the public, including disabled people, ensuring all complainants receive a written response within a prescribed period to be determined by the Director.

Recommendation 5: That the Committee approves the maximum age limit for a WAV, be increased from 10 to 12 years, subject to it passing two vehicle tests per year, and that the Existing Conditions are amended accordingly with the rider 'all vehicles over ten years old shall be required to pass two vehicle inspections each year' be added all vehicles over 10 years old shall be required to pass a vehicle inspection prior to six monthly renewal.

Recommendation 5A: That the Committee approves the removal of the maximum age limit for newly licensed vehicles, subject to the maximum age limit appropriate to that vehicle.

Recommendation 6: (Withdrawn)

Recommendation 7: That the views and evidence provided by all contributing parties to this report, be brought to the attention of officers dealing with the school transport contracts.

Recommendation 8: That the Committee approves that all new hackney carriage vehicle licences and licences which are renewed following a transfer

should conform to the Conditions of Fitness as prescribed by the Public Carriage Office (ie purpose-built London type hackney carriage vehicles) or be for wheelchair accessible vehicles with M1 ECWVTA. A transfer in this context means the transfer of the interest of an existing proprietor's licence to another person, including transfer by the proprietor to her/himself and another person, for registration under Town Police Clauses Act 1847 s42.

Recommendation 8A: That the Committee approves the licensing of rear loading M1 ECWVTA WAVs.

Recommendation 8B: That the Committee approves the immediate release of three new hackney carriage vehicle licences with a wheelchair accessibility condition to next waiting list applicants.

Recommendation 9: That the Committee approves close circuit television shall be installed, operated and maintained in all hackney carriage and private hire vehicles, in accordance with the requirements of the Director of Environment, when a vehicle is presented for initial licensing, or renewal of vehicle licence, with effect from 1 April 2011. Proprietors shall ensure CCTV is operational when vehicle is hired and available for hire. CCTV records shall be retained for 28 days

Recommendation 10: That the Committee approves a pilot scheme initially for one-year, to publish contact details of WAV drivers prepared to take bookings, and where an operator's licence is required for a single vehicle, that operator's licence is provided free of charge.

Recommendation 11: That the Committee notes the promotion of accessible taxi/PHV services to taxi voucher recipients in January 2011.

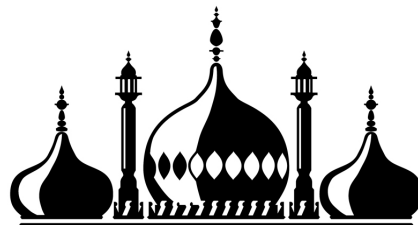
Recommendation 12: That the Committee notes the proposal to support National Customer Service Week by promoting WAVs and demonstrating access features of vehicles.

Recommendation 13: That the Committee delegates to the Director of Environment operation of an accreditation scheme for operators, the detailed scheme to be developed in partnership with the Federation of Disabled People.

Recommendation 14: That the Committee asks the Federation of Disabled People to make a detailed proposal as to how they would envisage undertaking 'mystery shopping' setting out any costs that might be incurred.

Recommendation 15: That the Committee requires 'Right to Work' checks carried out on application for drivers' licences.

Recommendation 16: That the Committee resolve to allow interior seat advertising in licensed WAVs and power is delegated to the Director of Environment to approve advertising.

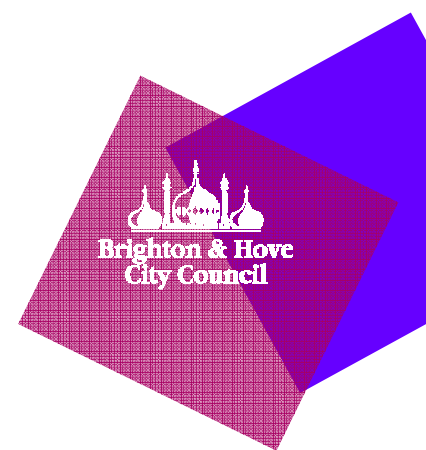


Brighton & Hove City Council

Equality Review of taxi /private hire vehicle licensing

September 2010

Report prepared for Head of Environmental Health & Licensing, Brighton & Hove City Council, to review the effectiveness of taxi/private hire services in meeting the needs of our citizens, in particular disabled people, and to make recommendations for actions to address any adverse impact and/or to promote equality.



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EXECUTIVE SUMMARY

1. Taxi and Private Hire vehicle services, which provide the only form of transport for some, have been identified as a priority for disabled people in the council's Equality Scheme since 2006. Despite the efforts of the Licensing Committee, the Hackney Carriage Office (HCO) and 'the trade,' disabled people feel there is still room for improvement before they can truly say they are no longer "transport disabled."
2. This Equalities Review has taken place during a period when the Equality Act was passed by parliament. Lack of clarity around the relevant provisions in the Equality Act has been frustrating both for the trade and disabled people. Members of the trade have a sense that the legislation, quite rightly designed to protect one group of people, may have unforeseen consequences for them and their business.
3. The overall aim of the Review was to improve services for all disabled people, but in particular for wheelchair users.
4. There was no one solution. Some felt that the answer was in the numbers of WAVs on the road. Others thought it had more to do with vehicle specifications, or having a mixed fleet. Driver training was supported by most disabled people rather than more enforcement. The trade was concerned about costs but disabled people said there was a business case for being more disability-friendly.
5. The recommendations seek to help disabled people by calling for practical disability awareness training for drivers, more WAVs with a greater choice of vehicle type, direct access to WAV drivers, improved complaints handling and increased feeling of safety provided by CCTV.
6. The recommendations seek to help the trade financially by increasing the 'life' of WAVs, permitting cheaper rear-loading vehicles, preserving the premium for people who want to transfer plates, allowing seat-advertising and promoting taxi/PH services to a niche market.
7. Progress as a result of these recommendations will be reported in the regular Single Equality Scheme updates. Complaints monitoring, mystery shopping and the next Unmet Demand Survey will all contribute to evaluation of the recommendations.

1. Introduction

1.1 Taxis/Private Hire Vehicles (PHVs) play a vital role in the transport system helping disabled people travel to jobs, services, education and social networks. For some, taxis/PHVs provide their only opportunity to travel, and their route to social inclusion.

1.2 National research shows that disabled consumers, not just wheelchair users, use taxi/PHV services differently when compared to the population as a whole. Disabled people are more likely to use these services for the essential activities of life. For instance, 80% of disabled people use taxi/PHV services to attend medical appointments in contrast to 7% in the general population.

1.3 Disabled people nationally identify 'accessible transport' as their number one priority.

1.4 Whilst the latest Halcrow Unmet Demand Survey (2009) provides a significant amount of useful information, available data relating to local disabled people, wheelchair users and their transport needs, is inadequate. For instance, it is impossible to establish how many wheelchair users there are resident in the city.

1.5 Nationally almost 20% of the population are disabled with between 4% and 8% of disabled people regularly using wheelchairs. During the 2001 census 18.13% of people in Brighton & Hove identified themselves as having a limiting long-term illness.

1.6 Halcrow found that wheelchair-users had to wait, on average, 4 times longer than non-wheelchair users when phoning an operator for a vehicle, (43 mins as opposed to 11 mins). They concluded that the city would need over 400 more Wheelchair Accessible Vehicles (WAVs) in order to provide the same level of service to all passengers.

1.7 The Unmet Demand Survey is not required to take into account the extent to which disabled people use their local Community Transport service. The city has a particularly good service with passenger numbers increasing every year for the last three years. The latest figures show that 25,000 journeys per annum are made on the Easylink shopping services alone, and it is reasonable to assume that a significant number of these passengers are disabled or wheelchair users. It is also worth noting that many of these passengers will also have free County Cards, yet prefer to pay for a door-to-door service.

1.8 Over the last five years, the Licensing Committee has tried to carry out a balancing act of delivering the needed changes, while ensuring that the trade remains viable. Actions have included:

- releasing taxi plates to WAVs only,
- requiring these WAVs to be attached to a circuit (over 70 vehicles),
- requiring PHVs that seat over 4 passengers to be WAVs,
- introducing compulsory training (BTEC) for drivers prior to application for their first licence,
- requiring proprietors to ensure that drivers are trained in helping passengers in/out of their WAV and safe carriage of wheelchair users,
- proprietors must be able to demonstrate that training has been provided, upon demand.

1.9 This Equalities Review explores how to improve access to taxis/PHVs for disabled people in Brighton & Hove to ensure that they, in turn, might be able to have greater access and equality of opportunity. All parts of the trade have made contributions to the Review and, most importantly, disabled people have shared their experiences and positive suggestions for improvement.

2. Legislative Framework

2.1 The authority for licensing vehicles, drivers and operators is derived from The Local Government (Miscellaneous Provisions) Act 1976 Part 11 (Sec 45), The Town Police Clauses Act 1847 (Sec 68) and the Public Health Act 1875 (Sec 171). The requirements of this legislation are set out in the council's policy document, The Hackney Carriage & Private Hire Handbook. ("The Blue Book.")

2.2 Disability Discrimination Act 1995 (DDA) as amended 2005 (to be revoked by the Equality Act 2010)

This also includes the statutory Codes of Practice –

- Provision & Use of Transport Vehicles
- Rights of Access, Services to the Public, Public Authority Functions, Private Clubs & Premises
- The Duty to Promote Disability Equality

The legislation and the Codes of Practice can be viewed at:

<http://www.equalityhumanrights.com/our-job/what-we-do/our-business-plan/disability-equality/>

2.3 The DDA and Public Sector Authorities

The Disability Discrimination Act 1995 was amended in 2005 to introduce the public sector Disability Equality Duty (Sec 49A).

The council now has a statutory duty, when exercising its functions (eg taxi licensing), to have due regard to the need to ...

- eliminate harassment of, and unlawful discrimination against disabled people
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- promote equality of opportunity between disabled people and non-disabled people
- take steps to meet disabled people's needs, even if this requires more favourable treatment

In addition, the council is required to 'involve' disabled people (not merely consult), in the development of a Disability Equality Scheme. It was during this involvement process that disabled people identified taxi/PHV licensing as a priority issue.

Another 2005 amendment to the DDA (Sec 21E) imposes on public authorities carrying out functions (eg licensing), duties equivalent to those imposed on service providers. In broad terms, this puts public authorities under a duty to make reasonable adjustments for disabled people where they are, by reason of disability, disadvantaged in some way by, or in relation to, the carrying out of the function.

To illustrate this rather complicated piece of legislation and how it relates to taxi licensing, here is a link to a case where a member of the public successfully challenged a decision made by Liverpool City Council when they declined to license a particular type of WAV.

http://www.bindmans.com/fileadmin/bindmans/user/News_stories_-_PDFs/R_Lunt_and_Allied_v_Liverpool_CC_briefing.pdf

The Race Relations (Amendment) Act 2000 and The Equality Act 2006 include similar provisions giving public authorities statutory duties to promote equality and eliminate harassment and discrimination, on the

grounds of race, ethnicity and gender. Further details can be found in the council's single Equality Scheme which can be viewed at:

http://www.brighton-hove.gov.uk/downloads/bhcc/equalities/BHCC_SES_Final_Apr10_hyperlink_version.pdf

(Specific references to taxis are on pages 9, 14, 16 and 34/5.)

2.4 The DDA and Transport Service Providers

Also in 2005, Part 3 of the DDA relating to service provision, and Part 5 relating to public transport, were amended. To ensure no one faces discrimination or disadvantage when travelling, service providers of licensed taxis and PHVs are now legally obliged to consider their policies, practices and procedures.

As well as the infrastructure and support services needed to provide the transport, everybody involved is affected. It does not matter whether the services in question are being provided by a sole operator, company or other organisation, or whether the person involved in providing the service is self-employed or an employee, contractor or agent.

A disabled person may be unlawfully discriminated against if a transport provider –

- refuses to provide (or deliberately does not provide) any service which it offers to members of the public, or
- provides a service of a lower standard or in a worse manner, or
- provides the service on worse terms, or
- fails to comply with a duty to make reasonable adjustments if that failure has the effect of making it impossible or unreasonably difficult for the disabled person to use the service.

Transport providers are also subject to provisions covering the aiding of unlawful acts.

2.5 Equality Act 2010

This legislation is designed to replace, update and clarify previous equality legislation including the DDA. The core provisions of the Equality Act will be introduced in October 2010. The new public sector Equality Duties are timetabled to commence in April 2011.

It should be noted that the DDA, the public sector equality duty, and the Codes of Practice remain in force until they are revoked.

Sections 160/172 Equality Act apply specifically to taxis/PHVs but will not be implemented until 2011. (Exact date unknown.)

The relevant sections can be viewed at:

<http://www.legislation.gov.uk/ukpga/2010/15/part/12>

The Head of Taxi and Accessibility Policy Branch at the Department for Transport (DfT) has stated that he will be leading a public consultation on these taxi provisions commencing August 2010. (*Not yet published on the DfT website as at 23.8.10*)

The following explanatory notes give an indication of potential implications for the taxi/private hire trade in Brighton & Hove:

Sec 160: Gives power for the Secretary of State to make Regulations specifying the technical standards applying to licensed taxis and imposing Regulations on drivers to enable disabled people to access taxis safely, even when seated in a wheelchair, and to be carried in safety and reasonable comfort. (So – it could be an offence for a WAV taxi driver not to comply with a requirement to have a ramp and safety straps for a wheelchair user, or to carry a wheelchair user who is not properly positioned or secured.)

Sec 161: The licensing authority cannot refuse to license a WAV on the grounds of controlling taxi numbers as the council does now with its 'managed growth policy,' if the proportion of WAVs is smaller than the proportion prescribed in Regulations by the Secretary of State.

The "proportion prescribed" is not known at this stage but the Department for Transport's Equality Impact Assessment, suggests 50% WAVs in the licensed taxi fleet. The city currently has approx 530 taxis, approximately 126 being WAVs.

Unless the *current proportion* of WAV taxis is increased in the lead-up to the Act, we may have to release a significant number of new plates.

Illustration:

530 licensed taxis currently in the fleet

If the prescribed proportion is 50%, that would be 265 WAVs

We currently have 126 WAVs

Up to 139 people could then apply for new WAV plates
 But ... we would then have a licensed taxi fleet of 669
 50% of the fleet would then be 334 WAVs (another 69 WAVs)
 and so it goes on resulting in just over 400 plates.

Whilst it is highly unlikely that this number of people will have the resources to put these WAV taxis on the road, there are currently over 100 people on the Hackney Carriage Office waiting list. Clearly, the council will be responding to the public consultation on this issue, when it is published.

Research conducted by the Office of Fair Trading and others seems to suggest that when licensing authorities abandon quantity-regulation, there is an increase of approximately 30% taxis. This leads to a driver waiting time significantly greater than the reduction in passenger waiting times. The result is either a lower income for drivers or longer working hours, coupled with a drop in the plate premium for existing plate-holders.

Initially, as Halcrow found, the city could expect a significant number of PHV WAVs applying for plates, but making little difference to the total number of WAVs available to disabled people.

Whilst increasing the number of WAVs should make it more likely that a vehicle is available for a wheelchair user, without appropriate operating practices, disability awareness of drivers, and effective enforcement, numbers alone will not deliver an improved service.

Sec 162: This relates to franchise agreements between operators of transport facilities (eg Brighton Railway Station) and taxi/PHV operators requiring vehicles/drivers to ensure accessibility for disabled people.

Sec 163: Prevents a licensing authority granting a taxi vehicle licence *unless* the vehicle complies with Sec 160 (ie a WAV).

Renewals of vehicles already licensed (within the previous 28 days) are exempt. However, the Secretary of State has the power to impose an end-date to this exemption, which could be applied differently in different licensing areas.

This could lead to a 100% WAV taxi fleet over a period of many years. It may possibly lead to taxi drivers transferring to PHVs because the cost of purchasing expensive accessible taxis may make the business unprofitable.

London has had a 100% WAV taxi fleet for some years, yet wheelchair users are still complaining that taxi drivers do not stop for them and go to some lengths to avoid picking them up.

Sec 164: The Secretary of State may make Regulations allowing a licensing authority to apply for an exemption from Sec 163 only if Sec 163 would reduce the number of taxis to an unacceptable level. The authority would need "to undertake consultation, publish the outcome and take account of representation."

Before deciding whether or not to grant/refuse the application, the Secretary of State is required to consult the Disabled Persons Transport Advisory Committee (DPTAC – a ministerial advisory group) and 'any other appropriate persons.' Where an exemption is given from the full accessibility requirements, taxis may instead be required to be fitted with swivel seats and to conform to any safety conditions when such seats are in use.

Sec 165: Imposes duties on drivers of designated taxis/PHVs to carry wheelchair users at no additional charge, in safety and reasonable comfort, and to provide reasonable assistance. It also requires them to carry a wheelchair if the passenger chooses to sit in a passenger seat.

This applies to drivers of 'designated' vehicles – see Sec 167. Refusal by such a driver is an offence. NB No mention of 'operators'.

Sec 166: The Secretary of State may make Regulations which allow the licensing authority to exempt a driver from the duties in Sec 165 due to a medical or physical condition. The exemption certificate must be displayed in the vehicle.

Sec 167: Permits a licensing authority to maintain a list of WAV taxis/PHVs. If the authority wishes it may list just those vehicles that also hold a special licence to operate a local bus service. Until the city has 100% WAV taxis, it would seem sensible to keep such a list.

Drivers of these designated WAVs must comply with Sec 165.

Sec 168: Taxis must carry assistance dogs and allow them to remain *with* the passenger without making any additional charge.

The licensing authority is entitled to consider the physical characteristics of any vehicle being driven. (eg a driver with a medical condition may be

able to carry an assistance dog in a London-type taxi with a screen between the driver and the dog, but not in a saloon.)

Sec 169: Taxi drivers can seek exemption certificates if they cannot carry an assistance dog on medical grounds or the vehicle is not suitable for the carriage of assistance dogs. The exemption certificate must be displayed on the taxi, as now.

(NB No exemption on grounds of religion or belief, as now.)

Sec 170: PHVs – similar obligations placed on PHV drivers and operators to carry assistance dogs.

Sec 171: PHVs – similar obligations placed on PHV drivers re exemption certificates.

Sec 172: Allows appeals against the refusal of a medical exemption. It also enables the owner of a taxi/PHV to appeal the licensing authority's decision to list his/her vehicle as a 'designated WAV' on the grounds that it is not accessible.

On an intellectual level, members of the trade understand and support the underlying aims of the Equality Act – to improve transport options for disabled people. However, on an emotional and practical level, there are genuine and growing concerns that livelihoods will be adversely affected if the council is required to release a substantial number of taxi plates.

Stakeholders have identified a range of potential impacts caused by the Equality Act from rank over-crowding, additional costs of purchasing and maintaining WAVs, to extra workload for the HCO.

All Brighton & Hove licence holders were notified by the HCO in July 2010 that there would be a public consultation on the taxi provisions of the Equality Act, organised by the DfT, sometime in August. (*Not published on the DfT website 23.8.10*)

Once the relevant Commencement Order is published, a city-wide publicity campaign is planned to raise awareness of the new legislation, what it means for operators/drivers and what it means for the travelling public, in particular disabled people.

Recommendation 1: That the committee notes the position regarding the Equality Act 2010 and its possible implications.

Trade response (See Appendix C for full response): The trade support Recommendation 1 and have asked that members of the Taxi Forum are notified of developments arising from the Equality Act and its Regulations.

The Licensing Team will continue to work closely with members of the Forum to ensure that all sections of the trade have an opportunity to discuss the progress of the new legislation and implications for the trade in Brighton & Hove.

3. Issues identified by local Disabled People

3.1 Disabled people were generally supportive of the taxi trade in Brighton & Hove and felt that the city had a really high standard of taxi/PHV service. There were numerous stories involving acts of kindness and consideration with people reporting that, very often, it was the sheer goodwill of taxi/PHV drivers that enabled them to travel and enjoy living in the city.

3.2 However, they identified several barriers to accessing taxi/PHV services, many of them long-standing issues which have been raised before, and which have a significant adverse impact on disabled people's lives.

3.3 These barriers tend to fall into 3 categories:

Physical Barriers - *examples*

- Availability of wheelchair accessible vehicles (WAVs) especially at peak times of day (school start times/late evening at weekends)
- Availability of WAVs that can accommodate a range of modern wheelchairs (larger than the 'reference' wheelchair)
- Ambulatory disabled people (in particular blind and partially sighted people) and some wheelchair users, struggling with WAVs and preferring saloons
- Drivers not skilled in the use of assistive equipment – ramps/straps etc

Organisational Barriers - *examples*

- Operators not taking advanced bookings for WAVs
- Complaints not being dealt with efficiently and effectively (including those made to the HCO)

BHCC support walking/cycling/buses/car club, but appear unaware of the importance of taxis/PHVs to disabled people
Taxi Vouchers not sufficiently promoted/advertised

Attitudinal/behavioural Barriers - *examples*

Drivers refusing wheelchair users or assistance dogs at pick-up
Ambulatory disabled people and drivers unaware of swivel seats, steps, induction loops in vehicles and how to use them
Inappropriate conversation by drivers – poor disability etiquette
Lack of awareness around the type of assistance that might be required and the impact poor service has on disabled people's lives

4. Assessments and training

4.1 Before the first issue of a taxi or PHV driver's licence, the council requires applicants to undertake the

Driving Standards Agency (DSA) taxi assessment
Edexcel BTEC level 2 award in Transporting Passengers by Taxi/PH,
and a topographical knowledge test.

4.2 Although there have been requests for the council to provide free manual handling training, Health & Safety remains the responsibility of employers, directors, self-employed people and workers themselves. The three major operators can all provide training in assisting wheelchair-users.

4.3 Since March 2010, the council has required proprietors to ensure that all drivers are trained to assist wheelchair users in and out of the vehicle, and to carry them safely. Proprietors must be able to demonstrate, on demand, that training has been provided.

5. DSA Assessments

5.1 The DSA taxi assessment covers the Highway Code, traffic signs and cabology.

5.2 For an additional £26 it is possible to do the DSA Wheelchair Exercise which requires drivers to demonstrate competence around erecting ramps and safely installing a wheelchair and occupant in a WAV, ensuring that both are secured, and then reversing the process. (The Wheelchair Exercise may be carried out at the DSA testing centre in Eastbourne but not Burgess Hill.)

5.3 It would be inappropriate for the council to require all new drivers to undertake the Wheelchair Exercise as not all will drive a WAV. In addition, we are unable to apply conditions to taxi drivers' licences once they have been issued.

5.4 It is possible to introduce a condition to the *vehicle licence* of WAVs (both taxis and PHVs) that they are only driven by licensed drivers who have completed and passed the DSA Wheelchair Exercise. This issue would first need to be the subject of consultation at the Taxi Forum but might be more appropriate as and when the Equality Act is implemented.

6. BTEC - Transporting Passengers by taxi and private hire

6.1 The BTEC qualification is generally viewed as being suitable for individuals planning to become professional drivers. It includes customer service, legislation relating to drivers, vehicles and operators, transporting people and luggage safely, map reading and route planning, equality and diversity, and a module on disability awareness.

6.2 This disability module covers the legislation, recognising impairments, providing sensitive assistance, removing barriers, safe restraining and stowage, and the different types of assistive equipment for taxis/PHVs.

6.3 The BTEC provided by PDM (an Edexcel licensed training company) costs approximately £250 plus VAT which includes qualification registration, 2 days training and course materials. Included in this is an English language, literacy and numeracy assessment, approved by GoSkills (the Sector Skills Council), in order to ensure that applicants will be able to derive full benefit from the course.

6.4 The government is in the process of introducing the Qualifications and Credit Framework (QCF) which is a new framework for creating and accrediting vocational qualifications. This will eventually be Europe-wide. The accreditation end date for the BTEC is 30th September 2010. This will be the last date that an applicant can register for the BTEC although they have until 30th September 2012 to complete the work.

6.5 Edexcel, the Qualifications Body that offers the BTEC, has announced that there will be a replacement course/qualification available from October 2010 that will fit the new QCF, and which will still be called BTEC. They assure us that materials will be available for training and that there will be no gap between the old arrangements and this new qualification. The fees for the training are a matter for the training provider.

6.6 GoSkills, the DfT, National Association Licensing Enforcement Officers, National Private Hire Association and taxi/PHV trainers, have been developing the new syllabus for this entry-level Vocationally Related Qualification. Apparently, the DfT have asked for a vehicle maintenance section, a more robust disability awareness section and stronger emphasis and detail regarding the legislation.

6.7 The arrangement whereby all local applicants went to PDM proved controversial, although it is important to stress that the company are highly regarded and no criticism has been made of the training they provide or the results achieved. Some members of the trade were under the impression that BTECs achieved elsewhere in the country or through other providers were not recognised by the council. Clearly, this cannot be the case.

6.8 Several members of the trade locally felt that, when enrolling on a nationally accredited course such as the BTEC, it should be for individuals to seek out their own training providers. These might also include the local knowledge schools where the trainers are able to pass their professionalism on to the new generation of drivers. (Clearly the knowledge schools and assessors would need a licence agreement from Edexcel before they would be able to offer the training.)

6.9 The council's own professional drivers (the Children's Trust Departmental Transport Service) have recently completed an NVQ2 funded by Train to Gain and this has been mooted as a suitable replacement qualification. It covers safe and efficient driving, care of disabled and young passengers, health and safety, cleanliness, dealing with emergencies, route planning and fare collection.

6.10 However, the NVQ2 is an assessment suitable for those individuals *actually working as drivers* and not suitable for prospective drivers. In addition, there is some question as to whether government funding will still be available. The cost (without funding) is approximately £900 although this can be set against tax.

Recommendation 2: That the committee notes the current BTEC qualification will not be available to new applicants after 30th September 2010 and approves the replacement entry-level qualification for new drivers.

Trade response (See Appendix C for full response): The trade asks that the decision is deferred until the detail of the new syllabus is known as well as the fee for the qualification.

6.11 Edexcel state (on their website) that the registration fee for the qualification will be held at 2008/9 prices but this is included in the total cost of the training and that depends on the provider. The training costs vary around the country with some places offering free BTEC training to people on benefits, and some local colleges charging £75 + VAT (Leicester), £150 + VAT (Merseyside).

6.12 Edexcel further states that the Level 2 BTEC materials will be available for 1st October, and that the qualification will be accredited by Ofqual. The current syllabus has been developed to include vehicle maintenance and cleanliness, updated information on legislation and a greater focus on disability awareness.

7. Disability Awareness Training

7.1 In the development of the council's Single Equality Scheme, disabled people expressed concern that some drivers were not confident when using assistive equipment generally, sometimes to the extent of not securing wheelchair users safely in the vehicle. Wheelchair users are still being carried sideways which is extremely dangerous.

7.2 They felt there was a need for disability awareness and etiquette training. There were instances of blind people being asked to point out when they were outside their house and being asked how long they had been blind. Whilst disabled people are the first to recognise that anybody can say something foolish, they felt that some awareness-raising would give drivers confidence when communicating with disabled passengers.

7.3 The GMB and the Federation of Disabled People strongly support the introduction of disability awareness training for drivers and staff employed by operators. Best practice in this field is that disability awareness training involves disabled people, and that there should be a practical element to the training, relating to the taxi/PH driver's role.

7.4 In their joint written paper submitted during the Review, they suggest that training must be 'of a required standard' but there is no readily available, trade-specific disability awareness 'standard' save for the various modules that make up other qualifications such as the BTEC or NVQ2.

7.5 There is, however, a training framework prepared by the Disabled Persons Transport Advisory Committee which could provide *ideas* for a bespoke training package for taxi/PHV personnel in the city. It can be viewed at:

<http://dptac.independent.gov.uk/education/stafftraining/index.htm>

7.6 Recent research by Transport for London has revealed that taxi drivers in the capital (100% WAV) may not be clear about their obligations to disabled people, how to use the assistive equipment on their vehicles, and disability communication and etiquette. TfL are in the process of developing bespoke disability awareness training for all London cabbies.

7.7 Other areas about to develop their own disability awareness training include Essex and York. It seems that there is an opportunity here for pulling this information together and developing a programme that would meet the needs of several licensing authorities including colleagues across Sussex.

7.8 Disability Essex (the county umbrella group) host 2 former taxi drivers who provide this training across several licensing areas. They also provide a range of short courses including accredited health and safety training for drivers/operators. Part of their course involves a classroom session on transporting different types of wheelchairs, getting them on/off the kerb, safety considerations for rear loading vehicles, and using safety belts. This is followed by practical training and practice for every member of the course. (The cost is £80 per day.)

7.9 First there would need to be an analysis of staff training requirements locally and some clear aims and objectives. Training needs to be relevant to the role, the operational environment (reflecting the type of vehicles in use) and respond to passenger feedback. Training also needs to be interactive and practical.

7.10 Brighton & Hove could work towards its own Certificate of Professional Competence (CPC) for drivers/operators' staff. This could take the form of 3 modules – disability awareness, customer service and equality and diversity. Each person could complete the modules over a 3 year period – the time commitment being 3 7-hour days, preferably one day per year – the cost to each person would be in the region of £100 per day.

7.11 Because this would not be a nationally accredited course, to ensure quality and consistency, it would need to be delivered by one identified training provider.

7.12 The council is unable to put new conditions on established taxi drivers' licences so attendance for them would be voluntary, as it would be for

operators' staff. There is little support for training from current taxi drivers who feel that they are experienced and unlikely to learn anything useful.

7.13 However, the training might be required as part of the conditions for new licences and mandatory for experienced taxi drivers following receipt of a complaint, or offered as an alternative to enforcement. The thinking behind this is that Fixed Penalty Notices do not change attitude or behaviour – we want to improve standards for disabled people rather than punish individuals who are unaware that they may have caused offence.

7.14 Training in the correct use of straps/belts and the safe carriage of wheelchair users is essential. Earlier this year a Coroner called the Head of Licensing in Birmingham to give evidence at the inquest of a 14 year old wheelchair user who died from injuries sustained when her taxi braked. The issues in this case were safe use of the equipment and driver training.

Recommendation 3: That the HCO, working in partnership with the Federation of Disabled People and other stakeholders, develop the framework for a Certificate of Professional Competence, research providers, and report with firm proposals by the end of March 2011.

Trade response (See Appendix C for full response): In supporting Recommendation 3, the trade welcomes the opportunity to work in partnership with colleagues in order to formulate firm proposals for training.

However, a major concern is costs for drivers – not just the direct cost of ongoing training, but the consequent loss of earnings. It has been suggested that a training element could be added to the taxi fares formula and that this should form part of the discussions.

8. COMPLAINTS

8.1 Although only a very small number of disabled people consulted had actually complained to the operators or the HCO, all felt frustrated and disillusioned with the process. Their criticisms were that the process itself was confusing and inaccessible, cases took far too long to investigate with no regular updating, and there was no confidence that lessons would be learnt.

8.2 Those that were aware of the HCO complained that the council required them to make the complaint in writing by letter or e-mail. This would deter a significant number of people including those with learning disabilities or visual impairments. In fact, the HCO not only accepts complaints by other

methods, but will assist a member of the public who finds the system inaccessible. However, this is not explicitly stated on the council's taxi licensing page on the website.

8.3 Members of the Federation of Disabled People felt that one element is frequently overlooked from complaints procedures generally, and that is the impact on the individual disabled person.

8.4 For instance, whilst it is irritating for anybody to see their taxi/PHV drive off before they can reach it, a lot of people have other options – walk, cycle, get the bus or train, drive themselves, or get a lift. The Federation make the point that for a disabled person who does not have these options, the impact on their day to day life could be disastrous. They believe that without understanding the impact, complaints handlers might regard some disabled people's complaints as trivial.

8.5 The main cause of confusion was whether people should complain to the operator first or the HCO. Most said they would complain to the HCO if they did not get satisfaction from the operator.

8.6 One of the big operators had a particularly impressive complaints process and was able to show that his complaints were fully documented, investigated and resolved in a matter of days rather than weeks. His company complaints are subject to external audit every three months.

8.7 The other operators deal with low-level complaints in-house, but send the more serious complaints to the HCO for action. Concern was expressed that if the council do not deal with complaints effectively, it would adversely affect the operator's reputation and business.

8.8 The GMB have an interest in ensuring transparency and fairness in the complaints system not just on behalf of individual members, but to demonstrate to the public that drivers are skilled professionals. They too are calling for changes to the current procedure.

8.9 The complaints process needs to be brought into line with other complaints standards used across the council and be customer focused, objective and used to inform corrective action.

8.10 In order to monitor and evaluate changes made as a result of this Review, it would be useful to have complaints data relating to disability – that is disability-related complaints (eg refusal to carry assistance dog), as well as complainants who identify as DDA disabled (eg a disabled person complaining about a dirty vehicle).

Recommendation 4: That the Director of Environment defines a complaint process and standards to address complaints made about taxi services by passengers and members of the public, including disabled people, ensuring all complainants receive a written response within a prescribed period to be determined by the Director.

Trade response (See Appendix C for full response): The trade supports this recommendation and, coupled with a fast-track of urgent cases, believe that it will help maintain the high level of service required of, and desired by the trade.

8.11 Officers have already developed detailed flowcharts reflecting the process to ensure that we deal with complaints about operators, vehicles, and drivers effectively. A dedicated member of the HCO team is now focusing on complaints generally.

8.12 Members of the licensing team will now be working closely with the Federation of Disabled People in order to update the council's taxi information leaflet. Communications and marketing will be asked to contribute in order to produce something that is accessible and maintains high corporate standards.

9. Vehicles

9.1 It is important that a disabled person should be able to hire a taxi on the spot with the minimum of delay or inconvenience. The city currently has 530 taxis, 126 of which are WAVs. (A lower proportion compared with many other authorities in England.)

9.2 Although the city has 126 WAV taxis, the HCO reports that up to 10 WAV drivers have medical exemptions (bad backs) which means they can refuse to take a wheelchair user. 2 drivers have medical exemptions relating to carrying assistance dogs.

9.3 Some disabled people do not attempt to hire a taxi in the street or on the ranks because they have had occasions when drivers refuse to take them, so they phone one of the operators. So long as they can travel from A to B, they do not register whether they get a taxi or a PHV.

9.4 Research published as recently as June 2010 by TfL, has found that even in London which has a 100% WAV taxi fleet, disability groups claim that drivers regularly fail to stop for disabled passengers. It appears that

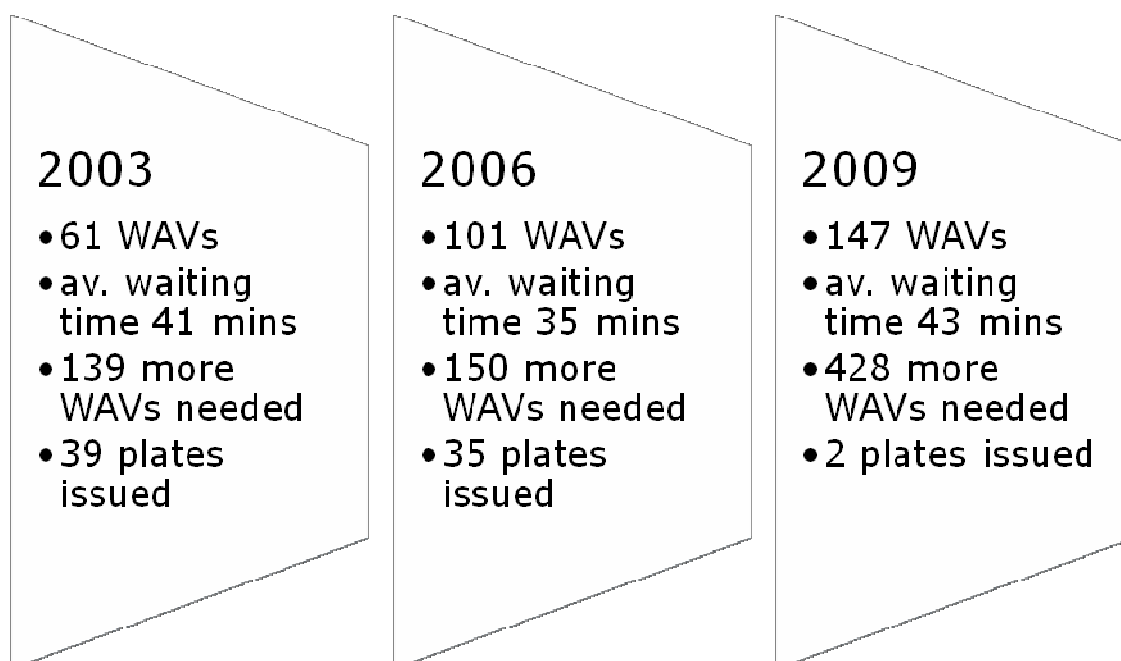
the numbers and types of vehicles available are not the only answer to the problem.

9.5 The PHV fleet consists of approximately 450 vehicles (although this number fluctuates) of which approximately 21 are WAVs. All new PHVs able to carry more than 4 passengers are required to be WAVs.

9.6 Several people consulted felt that there needed to be more WAVs in the PHV fleet especially as wheelchair users tended to phone an operator rather than hire a taxi. Vehicle costs were cited as the reason why most PHVs are saloons, that and the fact that drivers tend to use their vehicles for personal use. As a compromise, a suggestion was made that a swivel seat should be required in every new PHV saloon.

9.7 The Halcrow report identified that an additional 428 WAVs linked to a radio circuit were needed if we were to eliminate discrepancies in waiting times for wheelchair users. It should be recognised that the Halcrow report recognised that this was a private hire demand.

9.8 The following figures are from the last three Unmet Demand Surveys and show a snapshot of the total number of WAVs (both taxis and PH), the average waiting time for a WAV, Halcrow's calculation as to how many WAVs would be needed to provide an equitable service for wheelchair users, and the numbers of taxi plates issued between surveys.



9.9 The GMB have suggested that an increase in the age limit on WAVs, from a maximum of 10 years to 12 years would improve the situation, (to save some older WAVs in the taxi fleet and those in the PH fleet being replaced by saloons.) They go on to suggest that WAVs over 10 years old could be subject to 2 council tests per year. This would ensure that the overall standard of vehicles is maintained.

9.10 The present position is that vehicles over 10 years, if in exceptional condition as confirmed by the inspecting garage, can continue to be licensed. Whilst the DfT advise against setting 'arbitrary age limits' they do go on to recommend greater frequency of testing for older vehicles.

9.11 The council's Existing Conditions (para 29.3) provide that "any swivel seat fitted must comply with the requirements of the Disability Discrimination Act 1995." However, no such regulations have been made under the DDA and although these regulation-making provisions have been carried forward into the Equality Act 2010, it is still unclear when any draft regulations will be published for consultation. Although swivel seats are apparently available from a number of manufacturers and are already widely used there is no prescribed specification.

9.12 Swivel seats may not be appropriate for lower limb amputees, and some visually impaired people simply feel safer in a saloon. Until there is a 'one size fits all' vehicle design, there is a strong case for ensuring there is a mixed fleet available.

9.13 Many disabled people, in particular blind/partially-sighted people, those with arthritis, back problems etc, make the point that an *accessible* vehicle is not just one that is *wheelchair accessible*. When it comes to access, disabled people have competing requirements, a point made frequently by members of the Licensing Committee.

9.14 During the consultation period Age Concern provided the results of a survey they had carried out in conjunction with Streamline. Whilst it is clear that the people surveyed agree there should be WAVs for wheelchair users, it was equally clear that significant numbers of ambulant disabled people and older people, not just preferred a saloon, but felt a saloon was the only vehicle in which they could travel.

Of people surveyed 68% were between 76 and 90
 76% were disabled although only 14% were wheelchair users
 71% felt safer in a saloon vehicle

(Full details of this research can be obtained from Jim.Baker@ageconcern-bhp.org.uk)

9.15 The complaints about WAVs are around the 'high step' into the vehicle, not being able to grip the handrails, and having to manoeuvre whilst bent over in order to reach the seat. Some people might find WAVs more accessible if they were aware of the additional step that can be utilised, or the swivel seats available in some vehicles, usually the London-style cabs.

9.16 Not all side-loading WAVs are able to accommodate the full range of modern wheelchairs – in particular the heavy chairs or those needing greater headroom. The range of wheelchairs approved by the Medical Devices Agency is vast and includes powered and manual wheelchairs. The Agency also approve a growing number of frames, 'walkers' and other mobility aids that passengers may want to carry with them.

9.17 Some disabled people worry about not being able to communicate with the driver and are unaware that all vehicles in the city have either intercom or a means of communication with the driver. Some of the newer WAVs have induction loops but disabled people are not confident that drivers understand the technology available in their own vehicles.

9.18 The RNIB have produced a free sign for blind or partially-sighted people to use, in order to hail a taxi in the street, but few disabled people and drivers recognise the design.

9.19 The RNIB also support a Tactile Plate System which, without screws, attaches a small plate with the vehicle number in Braille cells and Tiresias font, to just under the door handles (both internal and external). A blind or partially sighted person, on approaching the vehicle, can check that they are in fact getting into a taxi/PHV. If they need to know the taxi number when they are inside the vehicle, again they are able to read the tactile plate. (Attempts have been made to ascertain the cost of these plates – as yet no response.)

9.20 Disabled people would like drivers to ask if they need or want assistance especially as it became clear during the consultation that disabled people do not know about the various features found in the vehicles.

Recommendation 5: That the Committee approves the maximum age limit for a WAV, be increased from 10 to 12 years, subject to it passing two vehicle tests per year, and that the Existing Conditions are amended accordingly with the rider 'all vehicles over ten years old shall be required to

pass two vehicle inspections each year' be added all vehicles over 10 years old shall be required to pass a vehicle inspection prior to six monthly renewal.

Trade response (see Appendix C for full response): The trade supports this recommendation and seeks confirmation that it would apply to both taxis and PHVs. The trade goes on to submit that there should be no maximum age limit for newly licensed vehicles.

9.21 Recommendation 5 is intended to apply to all WAVs whether they are licensed taxis or PHVs.

9.22 All licensed vehicles are subject to testing to ensure they meet the standards required in Brighton & Hove, regardless of their age. This standard will not change so the maximum age limit for newly licensed vehicles can be removed with no adverse effect on the level of service. (Clearly we would not expect to see vehicles older than the maximum age permitted.) This is in line with DfT guidance.

Recommendation 5A: That the Committee approve the removal of the maximum age limit for newly licensed vehicles, subject to the maximum age limit appropriate to that vehicle.

Trade response: (See Appendix C for full response): Supported.

9.23 During the period of consultation, numerous objections were raised to Recommendation 6. There were concerns that manufacturers' warranties would be invalid for new vehicles that were adapted. So many different vehicle-types are in use in the private hire fleet, it would be difficult to prescribe suitable swivel seats. The HCO would probably need the services of a consultant to advise. Recommendation 6 has, therefore, been withdrawn.

Recommendation 6: (Withdrawn) That the Committee approves all new licences for private hire vehicles to be required to have a swivel seat fitted, of a type approved by the HCO.

Trade response (See Appendix C for full response): The trade agrees that this recommendation should be withdrawn.

10. WAVs – Side Loading v. Rear Loading vehicles

10.1 DfT guidance issued February 2010 includes “best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible and might usefully set down a range of general criteria leaving it open to the trade to put forward vehicles of their own choice so there can be flexibility for new vehicle types to be readily taken into account.” It goes on “Licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle ...”

10.2 Several authoritative national organisations such as RADAR, SCOPE, Disabled Person’s Transport Advisory Committee and other bodies concerned with road safety, have had policies for very many years advising against rear loading WAVs being used as taxis or PHVs.

10.3 Their main concerns are around wheelchair users being in the road when entering and leaving the vehicle, drivers not being confident around assisting the wheelchair user on/off the kerb, and passengers being seated in the ‘crumple zone’ near the back of the vehicle. They highlight other practical problems such as rear-loading vehicles blocking already scarce rank space, and lack of alternative exits for wheelchair users in the event of an accident.

10.4 Supporters of rear-loading WAVs point out that thousands of disabled people and special schools/charities have rear loading vehicles often bought by individual wheelchair users on the Motability scheme. Although they tend to be larger than taxis/PHVs, community transport vehicles use rear loading for wheelchair users. Supporters claim that entering and leaving the vehicle is quicker than with a side loading vehicle and easier for the driver, especially when the vehicle is fitted with a lift.

10.5 Operators make the point that, because rear-loading vehicles tend to be cheaper to buy/run than side-loading vehicles, they could put more WAVs into service, especially as PHVs, thereby increasing the opportunities for travel to wheelchair users. In addition, several licensing authorities across Sussex license rear-loading WAVs without problems.

10.6 During the Review it became clear that there was a perception within the trade that the council was inconsistent in its approach to rear-loading WAVs, and its support for local business. There were calls for more ‘joined-up working.’ The operators pointed out that the council frequently awards school transport contracts to operators licensed elsewhere, where they are permitted to license rear-loading WAVs.

10.7 Brighton and Hove operators claimed that if they were permitted to license rear-loading WAVs, they would be better able to keep costs down and win more contracts. They believe that this would help the economy in the city, provide more work for local drivers, reduce carbon emissions and, most importantly, increase the chances of wheelchair users having ready access to WAVs, even during the busy school-run periods.

10.8 Whilst the point is well made that the council regularly uses rear-loading WAVs, it should be noted that individual children's journeys to school are risk assessed with many being picked up from driveways or designated bays outside their homes, and taken straight to a school where the drop-off point is off-road. Drivers are provided with training and it is also likely that parents/carers will be in attendance at pick-up and drop-off. So, this type of journey is very different to plying for hire or general PHV work.

10.9 Numerous wheelchair users have pointed out that side-loading vehicles are fine for people who use a 'reference wheelchair.' (This is a standard size – the type of wheelchair very often provided for shoppers' use in large stores.) However, people who use heavy or powered wheelchairs, or people who need a lot of headroom, can find side-loading WAVs difficult or impossible to enter. Rear-loading vehicles are more likely to be able to accommodate them.

10.10 All passengers should either face forward or backward, never sideways. With the side-loading vehicles, the wheelchair user has to enter the vehicle and then do a 90 degree turn. Some people need assistance from the driver and this can turn out to be a very awkward manoeuvre for both passenger and driver.

10.11 European Directives relating to Type Approval (ECWVTA) for all vehicles including WAVs are designed to drive up safety standards and ensure consistency across the Community. It is likely that as time goes on and the Directives are fully implemented, more WAVs will have the ECWVTA.

10.12 Many of the safety concerns associated with rear-loading WAVs (wheelchair user in the road, negotiating kerbs, finding suitable pick-up or drop-off points) should be addressed by employers' or owners' health and safety training.

10.13 There are concerns that because rear-loading vehicles are cheaper than side-loaders, over time the entire WAV fleet may become rear-loading. However, increasing the WAV taxi fleet now may help both wheelchair users, and the trade, in the lead-up to the Equality Act. Increasing the proportion

of WAV taxis may help restrict the number of plates that have to be released.

10.14 By licensing rear-loading vehicles, we may provide travel options to a group of specialist wheelchair users who have previously been unable to use the taxi/PH service.

Recommendation 7: That the views and evidence provided by all contributing parties to this report, be brought to the attention of officers dealing with the school transport contracts.

Trade response (See Appendix C for full response): The trade supports Recommendation 7 and further asks that the council 'supports the allocation of such contracts to vehicles licensed within the City.'

10.15 Members of the Taxi Forum can be confident that the council will continue to support local business and continue to make better use of public money but, like all public bodies, is subject to Europe-wide procurement legislation.

Recommendation 8: That the Committee approves that all new hackney carriage vehicle licences and licences which are renewed following a transfer should conform to the Conditions of Fitness as prescribed by the Public Carriage Office (ie purpose-built London type hackney carriage vehicles) or be for wheelchair accessible vehicles with M1 ECWVTA. A transfer in this context means the transfer of the interest of an existing proprietor's licence to another person, including transfer by the proprietor to her/himself and another person, for registration under Town Police Clauses Act 1847 s42.

Trade response (See Appendix C for full response): The trade supports the recommendation and asks that rear-loading WAVs be permitted as well as side-loading. The recommendation has been amended to reflect this. The trade further asks that rear-loading M1 ECWVTA WAVs are added to the list of approved vehicles.

Recommendation 8A: That the Committee approves the licensing of rear loading M1 ECWVTA WAVs.

Trade response (See Appendix C for full response): Supported.

10.16 In their response, the trade has asked for the release of 5 taxi plates. It further asks for a return to the issue of 5 plates per year under the 'managed growth' policy, until the taxi provisions in the Equality Act commence or the next Unmet Demand Survey, whichever comes first.

10.17 Paras 9.1-9.8 set out the numbers of vehicles and WAVs in the taxi and PH fleets, the numbers of WAV drivers with medical exemptions and some of the key findings from the Unmet Demand Surveys.

10.18 The Licensing Committee discussed at their meeting in November 2009 the Halcrow report which clearly showed there was no significant Unmet Demand. They agreed that 2 WAV plates should be released in May 2010.

10.19 What the Committee could not know was that 3 months later, in February 2010, what is now Sec 161 would be introduced to the Equality Bill. Essentially, it means that unless the taxi fleet has a 'prescribed proportion' of WAVs, the council will not be able to use its 'managed growth' policy to restrict numbers of taxis.

10.20 Although the 'prescribed proportion' is not yet available, it is widely known that WAVs make up less than 23% of the taxi fleet and this is low compared with other areas.

10.21 Many in the trade would argue that there are sufficient WAVs (in number) to cope with the demand, and that the use of a percentage is not helpful. They would also point out that, although Halcrow showed an increase in taxi usage, the trade could not bear a sudden dramatic increase in taxis.

10.22 Several recommendations in this Review are designed, firstly to improve travel options for wheelchair users, but also to raise the percentage of WAVs before the implementation of Sec 161, thus minimising damage to the trade.

10.23 It would be inappropriate to concede the trade's request to return to 5 plates per year on 'managed growth,' in particular at a time when there is some uncertainty around the Equality Act. However, by releasing a small number of plates now, we may be able to prevent a free-for-all in the future by increasing the percentage of WAVs. There has been an apparent loss of wheelchair accessible vehicles recently and so it is proposed to release a modest number of accessible hackney carriage plates to remedy.

Recommendation 8B: That the Committee approves the immediate release of three new hackney carriage vehicle licences with a wheelchair accessibility condition to next waiting list applicants.

Trade response (See Appendix C for full response): Requested by the trade.

11. CCTV

11.1 The council has already approved a CCTV system but its installation and use in vehicles is optional. The approved system provides continuous audio and visual recording when the ignition is on and records for a set time after the ignition has been turned off.

11.2 Whilst there was some support for compulsory CCTV in vehicles, broadly speaking the response from drivers was lukewarm, especially the PHV drivers. One of the drivers' representatives explained that most of the PHV drivers use their vehicles for private purposes and want to be able to turn the system off.

11.3 Although the cost of CCTV was mentioned, this was not the over-riding objection. In fact, the GMB offers an affordable CCTV-hire package that includes a year's membership of the union. An alternative system is offered by a local company charging approximately £70+VAT for installation, with a weekly charge of under £10.

11.4 Improving services for disabled people will necessitate all the partners working together, raising awareness, training, complaints handling, but as a last resort - enforcement. There is little point in government amending legislation to provide greater protection for disabled people if it is not enforceable.

11.5 The approved CCTV system will help the HCO identify those drivers who either fail to carry wheelchair users safely, or refuse to carry them at all.

11.6 It will also provide evidence in relation to other incidents or complaints. Supported by Sussex Police, it should lead to a greater sense of safety for both driver and passenger. 28% of people surveyed by Halcrow stated that CCTV would improve safety, and drivers reported to the survey team that they felt unsafe 'in certain parts of the city.'

Recommendation 9: That the Committee approves close circuit television shall be installed, operated and maintained in all hackney carriage and private hire vehicles, in accordance with the requirements of the Director of Environment, when a vehicle is presented for initial licensing, or renewal of vehicle licence, with effect from 1 April 2011. Proprietors shall ensure CCTV

is operational when vehicle is hired and available for hire. CCTV records shall be retained for 28 days

Trade response (See Appendix C for full response): In their response to Recommendation 9 the trade expresses concerns and asks the Licensing Committee to recognise the cost involved in installing CCTV and further ask that, if approved, the Recommendation should not be implemented until March 2011 earliest.

11.7 The Recommendation has now been amended to reflect these concerns and to provide a longer lead-in time to enable proprietors/owners to plan/budget ahead and take advantage of bulk purchasing etc.

11.8 The trade also asked for confirmation that the existing approved CCTVs could remain and that there is a 'flexible approach when new providers request to be added to the approved list of installers.' The HCO can confirm that there are no plans to change the currently approved CCTV set-up and that where new installers are concerned, the over-riding consideration is that CCTV systems are both effective and safe.

12. Operating practices

12.1 A criticism often heard from disabled people is that drivers on the circuits are not accepting wheelchair jobs and consequently wheelchair users have to wait some time for a vehicle, or they are asked to phone later.

12.2 This is not acceptable and potentially actionable. There is legislation in place already requiring all transport providers to ensure they provide an equitable service and it is unlawful to 'aid' an act of disability discrimination by another. It is essential, therefore, that operators do not allow their drivers to refuse wheelchair jobs routinely, save for the few drivers who have medical exemptions.

12.3 The Licensing Committee has for several years only issued new taxi plates to WAVs. On one occasion, 20 plates were issued on the understanding that these vehicles were attached to one of the operators' circuits. Operators who allow WAV drivers to 'opt out' of wheelchair jobs effectively undermine the Committee's efforts to improve the transport options for disabled people, and along with the drivers, may be in breach of the DDA.

12.4 Two of the major operators have software in place that requires the drivers to accept a job before they know it is a wheelchair run. They are

able to identify any driver with a WAV who turns down wheelchair work, and would take action against him/her by removing them from the circuit.

12.5 The third company has a system that enables drivers to express a preference for the jobs they are willing to take, (eg wheelchair, shopping, child seat, more than 5 passengers etc) and this information is then entered on the company computer. It is possible, therefore, for a driver to obtain a taxi plate because they run a WAV, and then make a decision *not* to take wheelchair jobs.

12.6 The operator concerned is actively addressing this issue and is aware that when Secs 165 & 7 Equality Act 2010 are implemented, (designated lists of WAVs) drivers will be the subject of enforcement if they fail to carry wheelchair users, save for a very small number of drivers with medical exemptions.

12.7 On the positive side, this company operates an incentive scheme which pays £5 to WAV drivers who travel out of their area to pick up a wheelchair user. This had been an informal arrangement but a vote was taken at the organisation's AGM and is now permanent policy.

12.8 All the big operators allow people to specify 'saloons' when they book by phone. One company has, on average, approximately 30 customers per day requesting saloons, not WAVs. Another operator uses their software to note regular customers' vehicle preference.

12.9 Disabled people have also complained that they cannot book WAVs in advance, although the operators say they have been taking bookings for about 18 months.

12.10 A possible solution would be to publish a list of independent WAV drivers and their contact numbers so disabled people could phone them direct. (This list would probably not include the details of WAV drivers attached to a circuit primarily because there are strict protocols around the fair allocation of jobs and it may be that the operators would remove them from the circuit.)

12.11 It is envisaged that the HCO would need to write to every independent WAV driver asking if they wanted to appear on a list which would need to be updated regularly. This list could be publicised via BHCC website, City News, Visit Brighton, Brighton & Hove Federation of Disabled People etc.

12.12 The list would look something like ...

Fred Bloggs	07111111111	After 2 pm	WAV/induction loop
John Brown	07222222222	Days only	WAV/Portslade area
Tom Smith	07333333333	Night driver	WAV/no dogs (medical exemption)

You may also book a WAV from:

- City 01273 ...
- Radio 01273 ...
- Streamline 01273 ...

NB: The above-named companies have wheelchair accessible vehicles available and will accept BHCC taxi vouchers

12.13 To take bookings over the phone, PHV drivers would need an operators' licence, and in addition to the licensing provisions to which they are already subject, they would need to answer the phone in the city, and keep very basic records of bookings for 6 months. (Date/time of booking/hire, collection point/destination and name if possible – to be produced on request.) Local Government (Miscellaneous Provisions) Act 1976.

Recommendation 10: That the Committee approves a pilot scheme initially for one year, to publish contact details of WAV drivers prepared to take bookings, and where an operator's licence is required for a single vehicle, that operator's licence is provided free of charge.

Trade response (See Appendix C for full response): The trade supports Recommendation 10 with a proviso that, if approved, the scheme is reviewed after 12 months. This is eminently sensible given the anticipated changes to numbers of WAVs etc.

13. TAXI VOUCHERS

13.1 The council operates a discretionary taxi voucher scheme which provides £65 per year or £35 for applications made in the last 6 months of the financial year.

13.2 Taxi vouchers are only issued to those people who are unable to use the buses and, therefore, do not have a County Card. Whilst people can apply for vouchers at any time, the council sends renewal letters in January/February asking voucher holders to confirm they still wish to receive vouchers and that they are still eligible.

13.3 This year the council has provided 1,411 people with taxi vouchers worth in the region of £90k. However, we anticipate that less than £60k will be redeemed, and this has been the pattern for several years.

13.4 Vouchers can be used to pay the 3 main operators in the city plus a couple of other operators based in Shoreham and Saltdean. For people living near the borders of the city, key destinations may be in one of the neighbouring authority areas and it may be more practical for disabled people to use operators based there.

13.5 Although concern was expressed by one operator that the council was in effect 'shrinking the city' by allowing out-of-town operators, only 6% of the vouchers redeemed go to companies outside Brighton & Hove. Any change to this system may disadvantage disabled people living on the outskirts of the city.

13.6 Officers managing taxi vouchers have offered to send promotional material to all voucher holders raising awareness of taxi/PHV services, and welcome the opportunity of working with the Federation of Disabled People on the content.

Recommendation 11: That the Committee notes the promotion of accessible taxi/PHV services to taxi voucher recipients in January 2011.

Trade response (See Appendix C for full response): Supported.

13.7 Officers would also like to raise awareness of what is available in terms of vouchers and vehicles, and let disabled people and professionals with an interest in disability try things out. A suggestion has been made that in support of Customer Service Week (4.10.10) a fully-equipped WAV is available in Barts Square. As this is an annual event, publicity in City News etc is already arranged.

Recommendation 12: That the Committee notes the proposal to support National Customer Service Week by promoting WAVs and demonstrating access features of vehicles.

Trade response (See Appendix C for full response): Supported. City Cabs will be supporting this initiative.

14. Star Rating for Operators

14.1 In order to recognise quality service provided by operators, the council in partnership with the Federation of Disabled People could award up to 3 'stars' to operators (of all sizes) who fulfil approximately 12 criteria agreed by the Licensing Committee. Operators could then display/advertise their star status following assessments from the HCO and the Federation.

14.2 The detail of the scheme and the criteria would need to be developed by the taxi forum including the Federation but it is envisaged that the criteria would focus on disability-related issues, customer service and complaints handling, and written in such a way that all operators licensed in the city could take part. Operators that fulfil all 12 criteria would be awarded 3 stars, 8 criteria would attract 2 stars, and so on.

14.3 Once the star ratings are awarded, these could be promoted on the Federation's website (which provides access information to disabled people visiting the city), and all the other locations disabled people use to obtain access information.

14.4 There may be economic benefits attached to this scheme as disabled people, their friends and families, increasingly take their business to disability-friendly organisations.

Recommendation 13: That the Committee supports in principle a Star Rating for operators, the detail to be developed by the HCO in partnership with the Federation of Disabled People.

Trade response (See Appendix C for full response): Not supported. The trade have reservations in relation to cost especially as they are not convinced that there is any benefit to be derived from the scheme.

15. Mystery Shopping

15.1 In their joint document submitted during the original Review, the GMB and the Federation have suggested that the Licensing Team carry out 'mystery shopping' in order to identify breaches of the DDA in particular those concerning wheelchair users.

15.2 Whilst this is an excellent idea, it may be more appropriate for disabled people themselves to undertake this task as they are better equipped to identify the problem areas.

15.3 The Licensing Team already works under pressure and by involving them directly, it might be seen as 'stick' rather than 'carrot!' The council is

always looking for ways to work collaboratively and in a positive way in order to promote equality and inclusion.

15.4 Mystery Shopping could form part of the activity to support the Star Rating for Operators recommendation, identify issues to be addressed in training and provide feedback on whether the Equality Review recommendations have led to improved services.

Recommendation 14: That the Committee asks the Federation of Disabled People to make a detailed proposal as to how they would envisage undertaking 'mystery shopping' setting out any costs that might be incurred.

Trade response (See Appendix C for full response): The trade asks that it is consulted at the Taxi Forum and that it receives full details including funding information.

16. Issue of taxi plates

16.1 Manchester City Council limited the issue of plates and kept a list of applicants over a period of years, the main criterion being length of service as a driver. This was challenged in 2009 and the ET concluded that, given the male dominated profession, there was an intrinsic risk that length of service would put women at a particular disadvantage when compared with men. The ET found that length of service was not of inherent value to do the job and that the justification put forward by the council appeared to be purely a question of administrative ease. (*Brookes v Manchester C.C.*)

16.2 The issue of women taxi drivers and plates was raised by a member of the public at one of the Federation's consultation events, Halcrow and previously at Licensing Committee. If the Equality Act proceeds as expected, the HCO may not have a waiting list for plates. The position should be monitored by the HCO, in particular to identify whether there is an increase in women drivers when the Equality Act is in force. This could be linked in with the annual reporting of BME drivers.

17. Immigration

17.1 The DfT considers it appropriate for licensing authorities to check on an applicant's right to work and any work restrictions, before granting a taxi/PHV driver's licence. Individual applicants should be made aware that these checks are carried out.

17.2 Case specific information can be obtained from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY. (0208 196 3011)

17.3 Currently the HCO only asks for a National Insurance number. Some other licensing authorities have started checking established drivers and have identified illegal workers. (Gosport and Woking)

17.4 Background checks for applicants elsewhere in the EU and overseas countries can include a certificate of good conduct authenticated by the relevant embassy. The CRB gives information about obtaining certificates of good conduct, or similar documents, from a number of countries. www.crb.gov.uk

Recommendation 15: That the Committee requires 'Right to Work' checks carried out on application for drivers' licences.

Trade response (See Appendix C for full response): The trade supports the recommendation with the proviso that any checks are the responsibility of the council not the vehicle owners or the licensed operator.

17.5 Employers and others have legal obligations to make Right to Work checks. The council cannot possibly absolve them from their legal obligations. If any member of the trade needs advice on this subject, the Home Office have several helplines and full details can be obtained from:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandspors/preventingillegalworking/currentguidanceandcodes/whatemployersneedtoknow.pdf?view=Binary>

18. Advertising

18.1 In order to offset some of the costs that vehicle owners will incur if these recommendations are approved, the trade asked that advertising be permitted inside WAVs on the occasional tip-up seats.

18.2 The Taxi Forum heard that owners could receive approximately £1,000 per year from this type of advertising.

Recommendation 16: That the Committee approves in principle, interior seat advertising in licensed WAVs.

Trade response: Recommendation suggested by the trade.

18.3 In order to maintain the high standards that the city is used to from the taxi/PH trade, it is essential that all advertising is legal, honest and decent. Rather than submit every piece of artwork to the HCO for approval, agreed guidelines could be provided and only adverts falling outside the guidelines need be submitted for approval.

18.4 The guidelines at Appendix D have been provided to members of the Taxi Forum (19.8.10.) As yet, no response has been received.

Appendix C

The following document was received during the period of consultation with the trade.

Response from 'the trade' to the taxi/private hire Equality Review submitted on behalf of:

Brighton and Hove Streamline Taxi Cab Limited
 City Cabs Limited
 Brighton and Hove Radio Cabs Limited
 Unite Trade Union (Brighton taxi branch)
 GMB Trade Union (Brighton taxi section)
 Independent Taxi Drivers Association
 Sudanese Taxi Forum
 United Taxi Drivers Association

1. **Recommendation:** That the committee notes the position regarding the Equality Act 2010 and its possible implications.

Trade response: The trade, whilst supporting this recommendation, ask that officers of the council keep taxi forum members up to date of any developments arising from the 2010 Equalities Act and/or any Statutory Regulations, and their possible implications.

2. **Recommendation:** That the committee notes the current BTEC qualification will not be available to new applicants after 30th September 2010 and approves the replacement entry-level qualification for new drivers.

Trade response: Since the replacement entry level qualification to the BTEC 2 for the new drivers is not yet known nor are the provisions thereof or as to the fee for such a qualification, it is respectfully submitted that any decision in this respect is deferred until the foregoing particulars have been identified and clarified (by the officers of the Environmental Health and Licensing Department).

3. **Recommendation:** That the HCO, working in partnership with the Federation of Disabled People and other stakeholders, develop the framework for a Certificate of Professional Competence, research providers, and report with firm proposals by the end of March 2011.

Trade response: The trade has major concerns about this recommendation, but would welcome the opportunity to work with the HCO, the Federation of Disabled People and other disabled groups to formulate firm proposals by March 2011. One of the trade's concerns is the ongoing costs to licensed drivers. It has been noted that this course will mean drivers having to take 3 days off work, with the subsequent loss of earnings. If a training element can be added to the taxi fares formula, thus allowing the loss of earnings to be recovered over the year, via taxi fares, then maybe some of those concerns could be removed.

4. **Recommendation:** That the HCO implement changes and improvements to the current complaints process to ensure that it is accessible and that all complainants are provided with clear, detailed responses.

Trade response: The trade supports this recommendation, and coupled with a fast track of urgent cases will help maintain the high level of service required of, and desired by, the trade.

5. **Recommendation:** That the Committee approve the maximum age limit for a WAV, be increased from 10 to 12 years, subject to it passing two vehicle tests per year after 10 years, and that the existing conditions are amended accordingly and the rider 'all vehicles over ten years old shall be required to pass two vehicle inspections each year' be added.

Trade response: The trade agrees that the committee should approve this recommendation. The trade also submit that this recommendation should be extended to all licensed vehicles, be they taxi or private hire, and there should be no maximum age limit for newly licensed vehicles.

6. **Recommendation:** That the Committee approve all new licences for private hire vehicles to be required to have a swivel seat fitted, of a type approved by the HCO.

Trade response: The trade fully support this recommendation being removed from the consultation.

7. **Recommendation:** That the views and evidence provided by all contributing parties to this report be brought to the attention of officers dealing with the school transport contracts.

Trade response: The trade fully support this recommendation. We also request the Council support the allocation of such contracts to vehicles licensed within the City.

8. **Recommendation:** All new licences and licences which are renewed following a transfer should conform to the Conditions of Fitness as prescribed by the Public Carriage Office (i.e. purpose built London type hackney carriage vehicles) or be for side-loading wheelchair accessible vehicles with M1 ECWVTA and include high-visibility grab handles and induction loops.

Trade response: The trade supports the recommendation that all new hackney carriage vehicle licenses and all hackney carriage vehicle licenses that are renewed, following a transfer, should meet the conditions set out above. The trade also submit that rear-entry M1 ECWVTA vehicles should be added to the list above. These vehicles can be purchased for anything up to £12,000 less than the current side loaded vehicles approved by the council. In the current financial situation the trade believes this would significantly help improve the service to wheelchair users, without causing undue hardship to licensed drivers/owners, and allow the trade to compete more competitively on council contracts with vehicles licensed elsewhere, who are allowed rear entry WAVs.

To ensure a mixed fleet the trade recommend that all existing saloon hackney carriage vehicle licenses keep the option to remain saloon whilst under their existing ownership.

The trade also recommend that the Committee approve an issue of five new hackney carriage vehicle licenses, meeting the criteria set out in recommendation 8 (i.e. the added option of rear entry approved WAVs).

The trade further recommend that that the Committee increase the number of new hackney carriage vehicle licenses, issued via the 'managed growth' policy, from two to five per year, until the implementation of the taxi provisions in the 2010 Equalities Act are enacted, or the next Significant Unmet Demand survey is undertaken, whichever comes first.

9. **Recommendation:** That the Committee approves that CCTV approved by the Director is installed in all vehicles upon application for a new licence or renewal of a current licence.

Trade response: When deciding on this recommendation the trade would be grateful if the council could take into account the cost of installing CCTV into licensed vehicles, and confirm that any newly approved CCTV will not lead to existing approved CCTVs being removed from licensed vehicles, and allow for a flexible approach when new providers request to be added to the approved list of installers.

The trade do have major concerns about the compulsory nature of this recommendation, however if it is adopted we request that it is not implemented until March 2011 at the earliest.

- 10 **Recommendation:** That the Committee approve a pilot scheme initially for one-year, to publish contact details of WAV drivers prepared to take bookings, and where an operator's licence is required for a single vehicle, that operator's licence is provided free of charge.

Trade response: The trade supports this recommendation with the proviso that this recommendation is reviewed after 12 months.

11. **Recommendation:** That the Committee note the promotion of accessible taxi/PHV services to taxi voucher recipients in January 2011.

Trade response: The trade supports the recommendation that the committee note the promotion of assessable taxi/PHV services to taxi voucher recipients in January 2011 within the City.

12. **Recommendation:** That the Committee note the proposal to support National Customer Service week by promoting WAVs and demonstrating the access features of vehicles.

Trade response: The trade supports this recommendation.

13. **Recommendation:** That the Committee supports in principle a Star Rating for operators, the detail to be developed by the HCO in partnership with the Federation of Disabled People.

Trade response: The trade has considerable reservations as to this recommendation, for the following reasons.

- i) Any such rating system would require substantial detail, administration, auditing, review, additional training, development, monitoring and result in all publications and

- communications prepared by or on behalf of the operators being revised if the 'star rating' then applied is increased or decreased.
- ii) Substantial added cost would be incurred by both the operator and the Council alike, much (if not all) of which would be passed on to drivers who in the current economical climate can ill afford such an imposition without any direct benefit derived by them or by the citizens of the City (abled or disabled alike).
 - iii) Star ratings/league tables have both nationally and locally proved to be lacking in objective and transparent standards and credibility, not only in respect of what is being rated but also in the interpretation of such 'ratings' by the public and it is respectfully submitted that creating a new rating system would be both time consuming, costly and could ultimately be little more than confusing to member of the public.

If, notwithstanding the foregoing, the committee is persuaded that any form of rating system be applied to operators would be of benefit to the citizens of the City, it is respectfully submitted that any such system could and should only be developed by the HCO in partnership with the trade together with the views of the Federation of Disabled People and any representative group(s) of to include all citizens with the city, regardless of their age, gender, race, sexual orientation, disability, gender reassignment, religion or belief.

14. **Recommendation:** That the Committee ask the Federation of Disabled People to make a detailed proposal as to how they would envisage undertaking 'mystery shopping' setting out any costs that might be incurred.

Trade response: The trade would request further information on how the 'mystery shopping' proposal would work out, who would finance this recommendation, and that the taxi forum is fully consulted during the process.

15. **Recommendation:** That the Committee require 'Right to Work' checks carried out on application for drivers' licences.

Trade response: The trade supports this recommendation, with the proviso that any checks are the responsibility of the council, not the vehicle owners or the licensed operator.

Additional recommendations from the trade.

16. **Recommendation:** That the Committee allow rear entry M1 ECWVTA WAVs to be added to the list of approved hackney carriage and private hire vehicles.
17. **Recommendation:** That the Committee immediately approve interior seat advertising in all existing, and any newly, licensed WAVs.

John Streeter - Vice Chairman
Brighton and Hove Streamline

George Boultros - Brighton
Sudanese, Black & Ethnic Taxi Forum

Chris Nutley - Director
Brighton & Hove Radio Cabs Ltd

Geoff Tasker – NPTTU and
Independent Taxi Drivers Association

Andrew Cheesman – Managing Director
Brighton and Hove City Cabs

John Oram – The Unite Union

Ranu Miah – Bangladeshi Taxi Forum

Mark Durell – GMB Professional Drivers Branch

Appendix D

DRAFT Requirements for advertising in WAVs

No advertisement is permitted on or in a taxi unless it meets the following requirements.

1. The taxi is a wheelchair accessible vehicle.
2. Advertising on the interior of the taxi is permitted within the passenger compartment on the base of occasional (tip-up) seats only.
3. Occasional seat advertisements must be encapsulated in clear non-flammable plastic and should be of a quality not easily defaced, soiled or detached.
4. The advertising agency name should be carried on the advertisement.
5. The advertisement(s) in each vehicle should not advertise more than one company, product, service, or location although a sponsor's details are permissible.
6. Advertisements will not be approved if, in the Director's reasonable opinion, the advertisement falls within any of the following categories:

The advertisement ...

- does not comply with the law or incites someone to break the law.
- does not comply with the British Code of Advertising, Sales Promotion and Direct Marketing.
- is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised, the wording or design of the advertisement or by way of inference.
- depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context.
- depicts or refers to indecency or obscenity or uses obscene or distasteful language.

- relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours.
- depicts direct or immediate violence to anyone shown in the advertisement.
- condones or provokes anti-social behaviour.
- relates to films which have not been granted permission for public exhibition or which do not show the British Board of Film Classification certificate.
- contains images or messages which relate to matters of public controversy and sensitivity.
- relates to a political party or parties or a political cause.

Proprietors and drivers do not need to seek prior approval to display advertisements that comply with the above.

In cases of doubt, they should consult the HCO in the first instance, *prior to displaying the relevant advertisement*.

However, if the HCO or Director considers an advertisement may not comply with these guidelines they may request a copy of the advertisement in either hard copy or electronic form, along with other reasonable information including details of the relevant advertising agency that prepared the advertisement.

If the Director considers that the advertisement does not comply with these guidelines, s/he may propose or invite reasonable variations to the advertisement or require the advertisement to be removed. In the latter case the Director will provide written reasons for the decision.

Appendix E

BHCC Policy on Taxi/PHV Licensing (The Blue Book)

The Licensing Committee have asked the Hackney Carriage Office to review and update the Blue Book. It would seem sensible to complete this when the provisions of the Equality Act are clarified and the Secretary of State's guidance is published.

The following observations should be read in conjunction with the Blue Book:

The Book needs to include the Road Safety Act 2006, the most relevant section being 52 which enables BHCC to suspend/revoke a taxi/PHV driver's licence with immediate effect on safety grounds. (For example - when a wheelchair user is not carried safely.) This was adopted by the Licensing Committee in April 2007.

The Book should also include a paragraph to indicate that disabled people are not precluded from working as drivers. (eg "A disabled driver or somebody with a long-term health condition may become a licensed taxi driver (subject to our medical requirements) but may need to have their driving ability assessed independently. This may be in a suitably modified vehicle.")

Safeguarding Vulnerable Groups Act – the Government has set out its aim to 'review the criminal records and vetting and barring regime and scale it back to common sense levels.' (No further information available.)

1.2 Conditions of Fitness are now prescribed by the PCO, Transport for London. The current Conditions only allow nearside-loading WAVs and state that it is 'desirable' that there is also wheelchair access to the offside, but not essential.

29 "Wheelchair Bound" Passengers – would be regarded as offensive. Wheelchair-user is the preferred expression.

30/72/122.3 Assistance Dogs – will need to be re-written in accordance with the Equality Act.

91.3 & 130 The requirement to convert an EEC licence to a UK licence before application is made – possibly unlawful discrimination. The Community Driving Licence Regs 1996 allows full EEA licences to count towards qualification requirements for taxi/PHV drivers' licences. Similar provision now applies to N. Ireland drivers' licences. Courts in the EEA are now legally required to notify DVLA of endorsable offences and penalties.

The trade may want to encourage drivers to obtain the UK counterpart document, which creates a driver record at DVLA, as there are *advantages* for EEA licence holders. (Example: foreign licence holders cannot accept FPNs and have to attend court, thereby paying increased fines. Neither courts nor DVLA have the power to endorse a foreign driver's licence, so very harsh penalties may be awarded.)

92 Annual re-licensing of drivers - DfT claim not good practice. They quote undue burden on drivers and licensing authorities and recommend renewal at the legal maximum - 3 years. If drivers cannot afford the larger fee, they recommend the option of paying annually.

By removing the requirement to re-license every year for hundreds of drivers, it may free-up time for the HCO.

111 Appearance – “skirts and dresses of at least knee length” – needs updating.

138 Discrimination offences – clarify. Does this mean hate crime or offences aggravated by race, disability or sexual orientation? Convictions under Protection from Harassment Act?

145 Operators' premises – should be accessible as reasonably practicable.

151.1 Operators required to notify the council in writing of complaints against drivers. (See complaints.)

Guidance Notes for New Applicants

Suitability – update para 1 re UK driver's licence.

“Ethnic Monitoring” – update in accordance with City Inclusion Partnership guidance and include reason for monitoring. (One operator noted that a significant number of his drivers were dyslexic, autistic, diabetic etc – mostly hidden disabilities.) Monitoring for disability can raise awareness of the numbers of people who are DDA disabled but do not label themselves as such. Disability could be included when the HCO reports to the Licensing Committee on ethnicity.

Appendix F

The following document was received during the initial Review from the GMB and the Brighton & Hove Federation of Disabled People.

GMB Professional Drivers Branch (PDB) and the Brighton and Hove Federation of Disabled People's proposals/recommendations to address the substandard service, and unlawful breaches of the DDA, by the Brighton and Hove Taxi and Private Hire trade, in relation to the supply of suitable vehicles to transport customers sitting in their wheelchairs.

The GMB PDB having considered the current level of service, offered to customers needing suitable wheelchair accessible vehicles (WAVs), are recommending a number of proposals that we believe will finally address the on-going problem of insufficient suitable vehicles for customers requiring WAVs. The GMB PDB are also offering recommendations that will help all those working in the Taxi and Private Hire trade become more disabled friendly, thus helping all those in the trade adhere to the duties placed on them by the DDA.

Our proposals are three stranded, immediate action required, short term action required, and longer term action required. However if all our proposals are excepted we believe the current lack of available WAVs will be no-more, and in time the level of service received by customers requiring WAVs, will be on a par with the service provided to the general customer base.

Long term action (up to seven years from adoption)

In line with the current amendment going through parliament (Equality Bill), the GMB PDB believe that a council, such as Brighton and Hove, that restricts the number of taxis licensed will have to move to a 100% WAV taxi fleet. Other options that the Equality Bill offers, such as 100s of more taxis licensed, or total deregulation of the taxi fleet, are not options the GMB PDB would support locally or nationally. Having a 100% WAV taxi fleet is by far the best long term option, and the PDB and the FED fully support this option. This will take up to seven years to allow those existing saloon taxis to operate until they have to change vehicles.

Short term action (from three to five years)

There are a number of short term options the PDB and FED believe will address the way the Brighton and Hove Taxi and Private Hire trade interact with all disabled customers.

- Disability awareness training to take place for all licensed Taxi and Private Hire drivers (existing and new). This training will have to meet a required standard.
- All drivers of Taxi and Private Hire WAVs to be fully trained to operate such vehicles. This training will have to meet a required standard.

- All drivers of Taxi and Private Hire WAV vehicles will have to produce a certificate to the operator, or the vehicle proprietor, or both, to confirm that they are fully trained in the assistance of wheelchair users including ramps, specific to said vehicle.
- All Taxi and Private Hire operators will be responsible for keeping up to date records of drivers correct vehicle type disabled training certificates.
- All Taxi and Private Hire operating staff to have full disability awareness training. This training will have to meet a required standard.
- A comprehensive Taxi and Private Hire complaints procedure be implemented, which will provide a full audit trail between the council's licensing team, and Taxi and Private Hire operators. All complaints to be filled out on carbon copy 'Licensing Complaints' headed form. Copies to given to the licensing team, the driver, and the operator. The licensing team will then enforce where and when it sees fit.
- All Brighton and Hove Taxi and Private Hire operators to comply with all current DDA legislation. (An equal service has to be provided to all customers)
- To help make enforcement of the licensing objectives easier, and help clear up any complaints made by customers, CCTV (approved by licensing team) should become compulsory in all newly licensed vehicles.
- The licensing team should undertake 'Mystery Shops', including regular wheelchair jobs, to see that the procedures recommended, and DDA law, are being adhered to.
- The licensing team should make it clear that they will seek prosecutions, and/or revoke any license, including Taxi and Private Hire operators', if the DDA is not adhered to.
- All licensed Brighton and Hove Taxi and Private Hire operators to have a minimum of one third of its' total fleet WAVs (to be implemented in reasonable time frame).

Immediate action

Whilst our proposals above will, in time, address the shortfall in suitable WAVs, and the way the trade interacts with disabled customers, the PDB and the FED also proposes a small number of recommendations that will help out almost immediately, until such time as our other proposals kick in. These proposals should be implemented without delay by the licensing committee.

- A website providing direct telephone numbers to Taxi and Private Hire drivers of WAV vehicles.
- Brighton and Hove City Council to reinstate five new taxi WAV plates a year, managed growth policy.
- Brighton and Hove City Council to issue twenty new taxi WAV plates; with a condition they join a Taxi or Private Hire circuit with over 50 cars.
- Brighton and Hove City Council to reduce the annual license fees for all Taxi and Private Hire WAVs.

- Brighton and Hove City Council to increase the age limit on Taxi and Private Hire WAVs, from a maximum of ten years to a maximum of twelve years. All WAVs over the age of ten years to be subject to two council tests per year.
- Any licensed Taxi and Private Hire operator providing a service to Brighton and Hove City Council must adhere to all the new requirements outlined in these proposals, and current driver and vehicle standards including any duties made on them by the DDA.
- That recommendations from the Taxi Review are implemented.

Minutes



**Meeting of the Taxi Forum held on 22nd July 2010
Hove Town Hall**

Attending	(TN) T Nichols	BHCC (Chair)
	(JC) J Cranford	BHCC
	(MS) M Seymour	BHCC
	(JE) J Evans	BHCC (Minutes)
	(MD) M Durell	GMB
	(AC) A Cheesman	City Cabs
	(TT) Tony Turner	B & H Radio Cabs
	(CN) Chris Nutley	B & H Radio Cabs
	(TB) T Breslin	Radio Cabs
	(GD) G Demoulins	Federation of Disabled People
	(JR) J Redford	BHCC
	(JS) J Streeter	B & H Streamline
	(JH) J Howell	B & H Streamline
	(GT) G Tasker	I.T.D
	(BC) B Coombe	I.T.D
	(GL) G Lord	NPTTU
	(JV) J Verguson	NPTTU
	(CG) C Glinsman	B & H Streamline
	(JO) J Oram	Unite the Union
	(MA) M S Ahmed	United Taxi Drivers Association
	(RM) R Miah	United Taxi Drivers Association
	(MM) M Miah	United Taxi Drivers Association
	(HA) H Abadeer	United Taxi Drivers Association

1	<i>Introduction by Chair (TN) followed by round table introductions</i>
	<ul style="list-style-type: none"> • TN outlined ground rules & purpose of meeting to discuss Equalities Review not the 2010 Equalities Act. • 10 September 2010 – probable date of Licensing Committee • Can forum members make any representations / counter proposals in writing by 12 August 2010 at the latest to Jean Cranford, Environmental Health & Licensing, 2nd Floor Bartholomew House,

	Bartholomew Square, Brighton BN1 1PS.
	Equalities Review – Recommendations
2	1. Recommendation: That the committee notes the position regarding the Equality Act 2010 and its possible implications.
	<ul style="list-style-type: none"> • JR gave a brief update
3	2. Recommendation: That the committee notes the current BTEC qualification will not be available to new applicants after 30th September 2010 and approves the replacement entry-level qualification for new drivers.
	<ul style="list-style-type: none"> • JR explained BTEC as an accrediting body will be ending in September 2010. Replaced by Go Skills accredited course - entry level training for Taxi Drivers – draft course document currently in consultation ending Sept. Dept of Transport have added modules on Vehicle Maintenance & Equalities. Edexcel are saying will be ready for teaching in Oct • Discussion around concerns about content & agreed standards (TN & CN), delays in licensing new drivers (JO) & not having seen draft course document. (CN & AC) • JR clarified that BTEC will no longer be accrediting courses for applicants enrolling after September but applicants will have 2 years to complete. • MD pointed out that new qualification will need to be approved by committee in September to avoid a gap & therefore delay in licensing new drivers • JR to circulate the draft course information. • TN asked forum member to put forward any objections or counter proposals & will take advice as to whether to present course documentation to the committee.
4	3. Recommendation: That the HCO, working in partnership with the Federation of Disabled People and other stakeholders, develop the framework for a Certificate of Professional Competence, research providers, and report with firm proposals by the end of March 2011.
	<ul style="list-style-type: none"> • JR – proposing continued professional development (CPD) for taxi drivers – 3 days training over 3 years to include customer service, disabilities (etiquette, different disabilities & practical / technological concerns) and promotion of city &

	<p>tourism. Noted that London & Essex developing programmes of ongoing training in these areas.</p> <ul style="list-style-type: none"> • JR – continuing attendance training would be compulsory, no exams & be 3 yearly. • Consensus that the problem with accessibility and vehicles is regarding drivers themselves & driver training / willingness to assist rather than vehicle provision. • It was generally felt that if it was good for the city it would be good for the trade however extensive discussions around concerns: doesn't the BTEC cover this? The Ambassador courses which ran previously were felt to be good for service skills & pride in work / city but were voluntary. (CN) Could 'dress' be addressed? (well supported around table) Cost implications for drivers & loss of earnings (AC & BC). Frequency levels too high (HA). Updates on disability issues welcomed but selling city training resented (JS) • NOTE: Issue of carrying guide dogs raised - MA of United Taxi Drivers Association confirmed that the Muslim Council has no problem with guide dogs. • JV – Just taken NVQ level 2 & feels after 15yrs since initial licensing it was v helpful as a refresher & bringing him up to date on issues such as Equalities & legislative changes. • MD – cost would have to be absorbed in fare formula • TN – cost can't be added to licensing fees. • GT – Felt it disproportionate for a taxi driver to have to undertake continued professional development at all. • TN – CPD required in most jobs / professions in order to stay current and informed about changes in working practices, technology & legislation. • JR – reiterated that currently the recommendation was simply to look into content / providers / costs by March 2011. Regarding frequency – would reflect the constant changes in Assistance technology, equipment, developments to working practices with different disabilities & legislation. • GD – passing new accessibility information to customers helps to show the city as disabled friendly & boost the city's image in that respect. • JS – raised the issue of LA being sympathetic to considering sponsorship & advertising on vehicles in order to offset costs of CPD & WAVs. • JO – suggested allowing advertising immediately on WAVs as an incentive to taking them up – revenue to offset greater vehicle costs. AC & MM in agreement.
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	<ul style="list-style-type: none"> • TN – Happy to consider this proposal in partnership with the forum who previously declined advertising in favour of a clean look in & outside vehicles. Will put forward as a recommendation for this Licensing Committee on the inside of vehicles as the stage eg: on fold up seats in LTIs • JV – stressed need for publicity to public for this 3 yearly accreditation for the drivers. • CN – suggested a regular newsletter to the trade regarding changes & new information in partnership with JR & Federation of Disabled People. • TN – to take newsletter to the committee as a recommendation. • JO – suggested home / e-learning CPD so that course time could be condensed to 1 day rather than 3 reducing loss of earnings
5	4. Recommendation: That the HCO implement changes and improvements to the current complaints process to ensure that it is accessible and that all complainants are provided with clear, detailed responses.
	<ul style="list-style-type: none"> • JC – Following BHCC’s audit by BSI improvements to our complaints procedure have been made with the Legal Team and implemented as of today. • JS – Asked if fastrack • TN – explained protocol is set in place with a process that should be followed by everyone & can be audited if necessary. • All in support.
6	5. Recommendation: That the Committee approve the maximum age limit for a WAV, be increased from 10 to 12 years, subject to it passing two vehicle tests per year, and that the existing conditions are amended accordingly and the rider ‘all vehicles over ten years old shall be required to pass two vehicle inspections each year’ be added.
	<ul style="list-style-type: none"> • GT - proposed that factory re-conditioned vehicles are more available and therefore could starting age of vehicles be raised by 5 years. • AC – in support of raising starting age. Mobility vehicles often very low mileage even if 3-6 years old. • MS – Concerned about vehicle condition at initial licensing.

	<p>But feels that starting age of all vehicles PH & HC needs to be aligned for greater consistency.</p> <ul style="list-style-type: none"> • Discussion around requirements for increasing upper age limit for WAVs – 6 monthly Compliance & Fitness tests, Emissions checks & overall appearance of vehicles. • BC - welcomed as increased longevity offsets the greater costs of WAVs • TT - concerns regarding consistency on 'looks', proposed that MS contact Public Carriage Office (PCO) in London on testing criteria that they use as vehicles have no upper age limit provided they pass C & F tests. • MD – Happy with raised starting age but would like more flexibility in the maximum age (from current 7 & 10 years) provided vehicles pass 6 monthly tests. • CN – made the point it is self governing due to the increased expense of maintenance & expendability of vehicles. • TN – will take starting age of 5 years as a recommendation to the committee & asked for information from GT on factory re-conditioned vehicles & AC on mobility vehicles. Will add that we are looking at relaxing max age of vehicles other than WAV further to establishing conditions based on objective standards of vehicles.
7	<p>6. Recommendation: That the Committee approve all new licences for private hire vehicles to be required to have a swivel seat fitted, of a type approved by the HCO.</p>
	<ul style="list-style-type: none"> • JR moved to remove swivel seat recommendation. GD happy with this. • All agreed.
8	<p>7. Recommendation: That the views and evidence provided by all contributing parties to this report, be brought to the attention of officers dealing with the school transport contracts.</p>
	<ul style="list-style-type: none"> • All agreed.
9	<p>8. Recommendation: All new licences and licences which are renewed following a transfer should conform to the Conditions of Fitness as prescribed by the Public Carriage Office (ie purpose built London type hackney carriage vehicles) or be for side-loading wheelchair accessible vehicles with M1 ECWVTA and include high-visibility grab handles and induction loops.</p>

	<p>Vote taken:</p> <p>JH – Objects MD – In support AC – Sees it as good way to increase WAVs in fleet. TT – No CN – No TB – No & is confusing GD – Yes JR – Yes JS – No JH – No GT – No BC – No GL – No JV – No CG – No JO – No MA – No RM – No MM – No HA – No</p> <ul style="list-style-type: none"> • TN – will take forward these views to the committee. • BC – Asked if LA wants to run a mixed fleet or entirely WAV • TN – Gave example of Manchester – HC WAV & PH Saloon fleet. There is clearly an issue with waiting times for WAVs & taken to infinity this policy would result in entirely WAV fleet but currently WAVs are not increasing & this has to be addressed. • BC – brought up issue of enforcement of WAVs being on circuits • JO – Streamline working towards improving waiting times. Also stressed the amount of requests for saloons for many customers with mobility issues including wheelchairs users. • JS – reiterated WAVs not suitable for all disabilities. • JS – read a statement by Norman Baker MP Minister for Transport. • MD – GMB sees 50% WAV fleet as desirable. There is a problem that needs to be addressed by the trade, at the least need to keep the current minimum of WAVs. • JO – no percentage agreed nationally why is LA looking at
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	<p>50%?</p> <ul style="list-style-type: none"> • TB – Work with the LA towards 50% or 100% may be enforced. • JR – 30% equates to approximately 65 WAVs, recognises pressure on ranks but if increase is made now there will be less impact when the Act does come into force. • MM – proposed the European approved rear-loading Peugeot Premier which is much more affordable & meets the needs of W/C users & partially disabled customers. • JR – Concerns about the difficulties of rear-loaders on the ranks. Issue is not only WAVs but on driver training & service. Would potentially recommend rear-loaders in future in tandem with sufficient training & ongoing CPD programme. • JH & MM – felt rear-loaders on ranks ok. • JS & BC – felt that recent letter issued to trade regarding WAVs was unhelpful • TN – outlined that LA was trying to clarify & give information with best of intentions.
10	<p>9. Recommendation: That the Committee approves that CCTV approved by the Director is installed in all vehicles upon application for a new licence or renewal of a current licence.</p>
	<p>Vote taken: MD – Yes AC – should be voluntary TT – No CN – Yes but with reservations TB – Should be personal choice or subsidised by European funding if compulsory. JS – As TB JH - As TB GT - As TB BC - As TB GL - As TB JV - As TB CG - As TB JO - As TB MA - As TB RM - As TB MM - As TB HA - As TB</p>

11	10. Recommendation: That the Committee approve a pilot scheme initially for one-year, to publish contact details of WAV drivers prepared to take bookings, and where an operator's licence is required for a single vehicle, that operator's licence is provided free of charge.
	<ul style="list-style-type: none"> • All agreed.
12	11. Recommendation: That the Committee note the promotion of accessible taxi/PHV services to taxi voucher recipients in January 2011.
	<ul style="list-style-type: none"> • All agreed.
13	12. Recommendation: That the Committee note the proposal to support National Customer Service week by promoting WAVs and demonstrating the access features of vehicles.
	<ul style="list-style-type: none"> • All agreed. AC to provide vehicle will liaise with JR
14	13. Recommendation: That the Committee supports in principle a Star Rating for operators, the detail to be developed by the HCO in partnership with the Federation of Disabled People.
	<ul style="list-style-type: none"> • Voluntary star rating system with criteria such as: Advance booking of WAVs Dealing with complaints Customer service • All agreed.
15	14. Recommendation: That the Committee ask the Federation of Disabled People to make a detailed proposal as to how they would envisage undertaking 'mystery shopping' setting out any costs that might be incurred.
	<ul style="list-style-type: none"> • JR explained that sees this as for the future maybe 6months to a years time. • GD – Partnership working for improvement of service not for enforcement. • All agreed
16	15. Recommendation: That the Committee require 'Right to Work' checks carried out on application for drivers' licences.
	<ul style="list-style-type: none"> • Already implemented by HCO

	<ul style="list-style-type: none">• All agreed.
	TN & JC left meeting 4.30pm
	JR – proposed a recommendation to release 5 more plates for WAVs to up the quota of the fleet to last years level Much discussion ensued regarding allowing rear-loaders & request for JR to back. All in agreement that the issue is not WAVs but drivers & training.
	JE left meeting 4.45pm