

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 27

Brighton & Hove City Council

Subject:	Hackney Carriage Vehicle Transfer Policy Review		
Date of Meeting:	12 March 2020		
Report of:	Interim Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name: <i>Martin Seymour</i>	Tel: 29-6659	
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Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Members are asked to review the policy change made by this committee that a Hackney Carriage Vehicle is no longer required to become wheelchair accessible following transfer to another person. The policy is to be reviewed taking in to account the impact of the change made and the responses to the consultation exercise as detailed below.

2. RECOMMENDATIONS:

- 2.1 That members keep the policy change as agreed on the 14 March 2019; That Members agree to remove the requirement that a Hackney Carriage Vehicle must become wheelchair accessible following transfer to another person but confirm that existing compulsory wheelchair accessible vehicles must remain wheelchair accessible **or**;
- 2.2 That Members reinstate the requirement that any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer. Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Executive Director of Housing, Neighbourhoods and Communities where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 14 March 2019 members agreed to remove the requirement that any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer. Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Executive Director of Housing, Neighbourhoods, Communities where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.
- 3.2 This policy was adopted following an Equalities Review into Hackney Carriage and Private Hire policies in 2010 and was one measure adopted to boost the number of wheelchair accessible vehicles in the hackney carriage fleet. The Full Equalities Review report can be found here. [https://present.brighton-hove.gov.uk/Published/C00000116/M00003060/\\$\\$ADocPackPublic.pdf](https://present.brighton-hove.gov.uk/Published/C00000116/M00003060/$$ADocPackPublic.pdf)
- 3.3 This policy has worked very well and has seen the % of wheelchair accessible vehicles in the Hackney Carriage rise from 25% to over 50%. The Council recognises the importance of having a mixed fleet as being the best way to provide transport for a range of differently abled passengers. The Hackney Carriage Unmet Demand Survey that reported to committee in November 2018 concluded that 'It appears that the 'best' level of WAV for this area might be 50%, a level the fleet was currently at.' The UDS report advised that the focus of fleet change could now switch to encouraging improved vehicle emissions whilst ensuring the level of achievement on the WAV side remained. The full Unmet Demand Survey Report can be found here. [https://present.brighton-hove.gov.uk/Published/C00000116/M00009219/\\$\\$ADocPackPublic.pdf](https://present.brighton-hove.gov.uk/Published/C00000116/M00009219/$$ADocPackPublic.pdf)
- 3.4 Where a current vehicle is classed as a 'compulsory wheelchair accessible vehicle' it must remain wheelchair accessible including at transfer. However, other vehicles may become wheelchair accessible or reinstated at the owners choosing.
- 3.5 Since the change of policy 48 hackney carriage vehicles have been transferred of which 27 were saloon vehicles. Although these may have become wheelchair accessible under the previous policy many would not have been transferred while the policy was in place. In comparison for the year 2018/19 46 hackney carriages were transferred of which only 14 were saloon vehicles. The % of wheelchair accessible vehicles remains at 50% of the fleet with 291 wheelchair accessible vehicles in the fleet of 580 vehicles.
- 3.6 Further to the policy change approved in March 2019 by members, Possibility People raised concerns over the policy change, in that it may have an adverse effect on residents. As a result we were happy to review the impact of the policy change to further understand the views of the community and see if other groups share the same concerns.
- 3.7 A consultation process was undertaken as part of the review from the 22nd November 2019 to 2nd January 2020. A copy of the consultation can be found at Appendix 1. The

Consultation included the Trade, Age UK, Alzheimers Society, Ambito, Blind Veterans, Guide Dogs, Impact Initiatives, Impetus, Martlets, Pavilions, Possibility People, Speak Out, YMCA and Wise. 16 Responses were received from the trade and 1 from Possability People. No other stakeholders responded to the consultation. The responses to the consultation can be found at Appendix 2. The consultation shows that the taxi trade was in favour of keeping the new policy and thought that 50% was a reasonable amount for wheelchair accessible vehicles. Possibility People responded with concerns that the 50% level was only for hackney carriages and was not 50% of the entire fleet and that this was not enough to meet the needs of disabled residents.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. This matter of vehicle transfers was discussed at taxi Forum on the 17th January 2019 before the policy came into place. There was consensus that “compulsory wheelchair accessible vehicles” should remain wheelchair accessible including at transfer. With regard to other vehicles, GMB and Unite members felt vehicle owners should have the choice, whereas the Private Hire representative felt drivers should have the option to change to either a electric, plug-in hybrid or WAV at renewal following a transfer.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no direct financial implications arising from the recommendation made in this report.

Finance Officer Consulted: Michael Bentley Date: 17.01.2020

Legal Implications:

5.2. The power to attach conditions to Hackney Carriage vehicle licences derives from S47 of the Local Government (Miscellaneous Provisions Act 1976. The policy should be reviewed having regard to the consultation responses.

Lawyer Consulted: Rebecca Sidell Date: 16.01.2020

Equalities Implications:

5.3. This document outlines two options that councillors can make following the review of the WAV policy change. This review happened in light of an equality concern raised by a community partner in reference to disabled residents potentially being impacted. We completed an equality impact assessment to support the review alongside the consultation to give qualitative evidence in understanding any potential impact. The EIA can be found in Appendix 3.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1. None.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. To report on effects of Policy change