

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 27

Brighton & Hove City Council

Subject:	Consultation on the Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators		
Date of Meeting:	14 March 2013		
Report of:	Head of Planning and Public Protection		
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Ward(s) affected:	All		

FOR GENERAL RELEASE/ EXEMPTIONS

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report progress on the consultation of the Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators and associated equalities impact review.

2. RECOMMENDATIONS:

- 2.1 That committee note progress being made in the development of an Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators.
- 2.2 That the engagement plan in paragraph 4.2 is endorsed
- 2.3 That officers develop an equalities impact review and report back to committee when the accessibility policy and equalities impact review is complete.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 At Licensing Committee (Non Licensing Functions) on the 22 November 2012 members

RESOLVED – (1) That the Committee notes progress being made in the development of a Wheelchair Accessibility Policy for Hackney carriage and Private Hire, Drivers, Vehicles and Operators and that officers report back to Committee when complete; and

(2) That Members endorse continued consultation and furthermore that Members require a full equalities review to take place in order to inform the development of an accessibility policy: current work was reflected in the draft set out in appendix 1 to the report.

- 3.2 Officers have taken advice from officers in the council's Policy, Performance and Analysis Unit who have assisted with planning for conducting an engagement exercise in line with the city's Community Engagement Framework regarding the

proposed Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators (see Appendix 1) and an equalities impact review.

- 3.3 Prior to consultation, it is proposed that a small reference group, comprising representatives from equalities groups and taxi operators and drivers is set up to help develop the consultation process and draft questions relating to the accessibility policy which will be used during the consultation. Following on from that, it is proposed, subject to discussion with the reference group, that a group session will be held with a wider range of equalities groups to consult on the accessibility policy. If deemed necessary further meetings with individual equalities groups may be organised. There will be a mail out to all interested groups with a link to the council's consultation portal, for example, the Community and Voluntary Sector Forum's equalities network. There will also be engagement with the taxi drivers and operators through existing meetings and forums as well as with Home to School Transport services within the council.
- 3.4 Once consultation has been concluded, the findings of the consultation will be compiled and used to draft the final version of the policy. A consultation report and the final draft policy will be made available to all participants of the consultation.
- 3.5 The last equalities review of the accessibility policy was reported to Licensing Committee 10 September 2010, and an action plan was developed and updates reported. Progress includes:
- ECSOSC submitted to the Licensing Committee to continue to develop taxi licensing policy to improve services for disabled passengers.
 - Licensing Committee approved that CCTV is fitted to all taxis in 2012/3
 - Licensing Committee approved all new hackney carriage vehicle licences and licences which are renewed following a transfer should be wheelchair accessible vehicles (WAV) and Committee approved the licensing of rear loading WAVs
 - Managed growth policy requires release of five new hackney carriage vehicle licenses annually
 - Further to Equality Act 2010 officers prepared a list of designated vehicles (WAV)
 - Committee approved BTEC replacement entry-level qualification for new drivers (includes disability/equality awareness).
 - Committee endorsed future action to concentrate on the Significant Unmet Demand Survey - benchmarking and consultation over WAV provision
- 3.6 The updated action plan can be found at Appendix 2. Unresolved issues from that action plan relate mainly to driver training and proportion of wheelchair accessible vehicles. It is anticipated that these will be key issues discussed during the consultation.
- 3.7 Driver training for new drivers is undertaken as part of the BTec course. The relevant part of that course could be made available to existing drivers.
- 3.8 Proportion of wheelchair accessible vehicles: draft accessibility policy includes sections relating to vehicle suitability and permits rear loading and side loading vehicles.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The amendments have been discussed at several meetings of the Brighton and Hove Hackney Carriage and Private Hire Consultation Forum. Minutes from the taxi forum held on 14 February 2013: **Item 9: Equality and Accessibility Policy Review:**

TN reminded the forum that in November the committee had agreed on an interim policy subject to full equalities impact. This had two main focuses: 1). Driver training 2) What % of vehicles needed wheelchairs, and within this, what % needed to be side/rear loading. TN added that at the next committee they hoped to draw up a plan for this. TN stated that they could really use the circuits' help with this, since they lacked information about what types of vehicles were required. The representatives of the circuits present at the forum suggested that they did hold information that could be useful, and that they would be happy to cooperate with the Council on this matter.

AC did, however, stress that it was not as simple as looking at wheelchair vehicles as a whole, since there were many types of wheelchair vehicles needed. He added that even within City Cabs fleet of wheelchair accessible cars, they sometimes struggled to meet the demands of wheelchair cars. He suggested that it was particularly odd that 80% of their wheelchair accessible cars could not be used for Council contracts due to requirements in steps, seating, and space etc. WEM added that children's wheelchairs were particularly problematic. WEM noted, however, that there was also a problem with having too many wheelchair accessible cars. AC went on to say that it was worrying that at no point had the schools been contacted, and that FED did not work with the schools directly, which was especially problematic considering the increased difficulties for accommodating children's wheelchairs. JS added that there was also a problem with not consulting other types of disabled persons who did not use wheelchairs, since wheelchair accessible cars often posed problems for them.

AC suggested that collecting information was important since for the last 3 years no sufficient evidence had been collected on this issue. He added that in the last two and a half years not one complaint had been made from a passenger saying they had experienced difficulties hiring a WAV vehicle. JH responded that this might be because people were reluctant to complain. JH added that the amount of time passengers requiring a WAV car was also an important factor.

MD agreed that there was a lot of work to be done here, but added that it may all be in vein if the law commission's decision went through, and that PHV were deregulated. JO responded that not everyone supported this decision and that they were going to fight this. This was followed by a discussion on this topic with some members of the forum suggesting that the deregulation was a foregone conclusion and others saying that it was not, and that they would fight it. TN concluded this part of the discussion, stating that they were not going to, nor should they, wait for the verdict, and as it currently stood they had a policy initiative that they were going to see through. DS stated that if TN formulated the questions he wanted answering with this, then the trade would help to provide the information'.

- 4.2 Draft timeline for consultation prior to reporting back to committee is as follows:

Date	Action
11 March 2013	Progress report to licensing committee

March 2013	<p>Desktop research including benchmarking and data collection from taxi companies.</p> <p>Questions going to taxi companies as follows: Please can you provide the following for the past year:-</p> <ol style="list-style-type: none"> 1. The total number of bookings for the past year 2. The number of requests for WAV's ie bookings for more than 5 passengers 3. The total number of requests for WAV's specifically for a wheelchair user 4. For 3 how many were requests for rear entry vehicles 5. For 3 how many were requests for side entry vehicles 6. How many requests did you have for saloon vehicles 7. Bookings from a specific disability groups i.e Hearing impaired, Blind or partially sighted, etc 8. For school contracts how many WAV's for wheelchair users do you provide 9. For 8 how many were requests for rear entry vehicles 10. For 8 how many were requests for side entry vehicles 11. For school contracts how many saloon cars are you specifically requested to provide 12. Total number of vehicles you operate 13. Total number of WAV's you operate 14. How many rear loading WAV's you operate
March 2013	Reference group set up and meet to discuss questions for consultation and consultation process
4 April 2013	Taxi forum
April / May 2013	Consultation via council's consultation portal
April / May 2013	Links to council's consultation portal emailed to all interested / relevant groups
April / May 2013	<p>Consultation meeting with key stakeholders (including but not exclusively FED, Disabled Workers Forum, Sussex Deaf Association, Local RNIB, ASSERT, AMAZE, Brighton & Hove Older People's Council, AGE UK, Brighton & Hove Younger People's Council, Adult Social Care, Home to School Transport, SEN schools and parents, Scope, Speak Out, Alzheimer's Society, BMECP, LGBT HIP (Health Improvement Project), Enquiries and Concessionary Travel Team (Taxis Vouchers).</p> <p>Reference group to help advise on other groups.</p>
16 May 2013	Taxi forum
Late May / early June	Re-circulate accessibility policy to consultant participants with consultation report.
June 2013 (date to be confirmed)	Report on accessibility policy with consultation findings to committee

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Revenue: Any costs associated with changes in respect of the Accessibility Policy have been met from within existing Taxi Licensing revenue budgets. Consultation costs to be met from within existing service budget.

Legal Implications:

- 5.2 There are no direct legal implications arising from this report

Lawyer Consulted: Rebecca Sidell

Date: 01.03.13

Equalities Implications:

- 5.3 The Equality Act 2010 requires the providers of public transport services, including the drivers and operators of taxis and private hire vehicles to ensure that people with protected characteristics are not discriminated against.

Sections 160/172 of the Equality Act 2010 (commonly known as The Taxi Provisions) in relation to access for disabled customers have not yet been fully implemented and will be the subject of an amendment to the Blue Book at the appropriate time. However, in November 2012 committee requested that officer's carry out a full equalities review of the accessibility policy. This will build on the equalities impact assessment of policy development work in 2010

- 5.4 The equalities impact assessment of policy development work in 2010 was reviewed (appendix 3). Satisfactory progress was made against most actions. The matter of continuing training for safe use of wheelchair accessible vehicles requires further development and consultation to establish a standard to achieve appropriate driver capability.

Sustainability Implications:

- 5.5 The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

Crime & Disorder Implications:

- 5.6 Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime and increasing the safety of passengers and drivers.

Risk and Opportunity Management Implications:

- 5.7 The transport industry should be safe, profitable and be a positive experience for all residents and visitors.

Public Health Implications:

5.8 None.

Corporate / Citywide Implications:

5.9 Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 Consideration to providing / sourcing a separate booklet is being undertaken for accessibility advice.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 To progress the consultation of the Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators and associated equalities impact review.

SUPPORTING DOCUMENTATION

Appendices:

1. Proposed accessibility policy for hackney carriage and private hire, drivers, vehicles and operators.
2. Updated action plan.
3. Previous equality impact assessment

Documents in Members' Rooms

1. None.
2. None.

Background Documents

1. None.