

LICENSING COMMITTEE (NON LICENSING ACT 2003)

Agenda Item 8

Brighton & Hove City Council

Subject:	Hackney Carriage Accessibility policy		
Date of Meeting:	27 June 2013		
Report of:	Head of Regulatory Services		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

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

2. RECOMMENDATIONS:

- 2.1 That committee endorse the proposed Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators set out in appendix D.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 At Licensing Committee (Non Licensing Functions) on the 14 March 2013 members:

RESOLVED – (1) That the Committee the progress being made in the development of an Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators be noted;

(2) That the engagement plan set out in paragraph 4.2 of the report be endorsed; and

(3) That officers develop an equalities impact review and report back to committee when the accessibility policy and equalities impact review is complete.

- 3.2 Following licensing committee on 14 March, the timeline was followed (appendix A).

- 3.3 Working with officers from the council's policy development team, the hackney carriage office contacted interested parties in Brighton and Hove to advise them about the accessibility forum, encouraging interested parties to attend and highlighted the accessibility questionnaire which was on the council's consultation portal. <http://consult.brighton->

hove.gov.uk/public/bhcc/licencing/hackneycarriages. Results from the questionnaire on the consultation portal can be found at appendix B(ii).

- 3.4 Officers from the council's policy development team and the hackney carriage office attended an accessibility forum which was held at one of the offices of the Federation for Independent Living.
- 3.5 Key findings from the accessibility forum can be found at appendix C.
- 3.6 The amended accessibility policy can be found at appendix D. The amendment relates to the provision of ramps; ideally would be a single ramp but normally the ramp supplied by the manufacturer of the vehicle.
- 3.7 The Equalities impact review can be found at appendix E.
- 3.8 Concern was raised at the accessibility forum about how complaints and enforcement are dealt with. Information about the council's taxi complaints procedure can be found <http://www.brighton-hove.gov.uk/index.cfm?request=c1238115> and appendix F. Other issues raised at the accessibility forum include the council's licensing enforcement policy http://www.brighton-hove.gov.uk/downloads/bhcc/licence_applications/Lic_Enf_Pol.pdf (appendix G), commitment to driver training in policy with a standard to be developed and subject to approval by the Executive Director, recent issues re Paston Place (see item 6 on agenda), and consideration of a points scheme.
- 3.9 Taxi forum had previously considered a points scheme; however in a Judicial Review into Cardiff City Councils penalty point system, the Judge criticised the way the penalty points scheme operated as he considered that the "totting up" of points removed discretion from the Licensing Authority. The DfT (Department for Transport) has issued best practice guidance to Local Authorities that have responsibilities for the regulation of taxis and private hire vehicle trades including guidance on accessibility. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/4395/taxi-private-hire-licensing-guide.pdf

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The accessibility policy was discussed at the council's hackney carriage and private hire consultation forum where all members of that forum are free to express their opinions.

An invitation to the accessibility forum and links to the consultation portal were sent to: The Community and Voluntary Sector Forum, The Federation for Independent Living, BHCC Disabled Workers Forum, Brighton & Hove Younger People's Council, Brighton & Hove Older People's Council, BHCC Adult Social Care, BHCC Home to School Transport (and via them Special Educational Need Schools and Parents), BHCC Enquiries and Concessionary Travel, BMECP, LGBT Health Improvement Project, Sussex Deaf Association, AMAZE, AGE UK, Speak Out, Alzheimer's Society, Scope, local RNIB and ASSERT. Although each invitation was personalised, this is the message which was sent:

“Brighton & Hove City Council’s hackney carriage office has been working on an accessibility policy; Licensing Committee have asked officers to consult on a draft policy and report back to the June licensing committee.

Please find below a link to the consultation on the council’s consultation portal relating to the draft hackney carriage accessibility policy which is now open and can be accessed via the attached link.

<http://consult.brighton-hove.gov.uk/public/bhcc/licencing/hackneycarriages>

I have been given your name in relation to xxxx and would be really grateful if you could circulate this to your members. There will be a consultation meeting about the policy and if you have people who are interested in attending, please ask them to register their interest with me and I’ll be in touch with details in due course.

Thank you in advance”,

- 4.2 There was also a questionnaire on the council’s consultation portal. 94 responses were received and responses and an analysis report produced by the Research and Analysis team can be viewed at appendix B(i).
- 4.3 A response was also received from Mr Les Paine of Streamline, a copy of which can be found at appendix H.

4.4 **Key findings**

1. The majority of respondents agree with the draft policy.
2. Requirements, training and guidance for drivers has the highest level of agreement which is backed up by responses to the question about taxi drivers’ knowledge / awareness of how to assist disabled and or people with mobility problems.
3. The policy relating to the inside of vehicles had the next highest level of agreement. Not being able to get a wheelchair passenger and two carers in a real loading WAV being the biggest issue.
4. The lowest level of agreement is for the policy on how to support and maintain a mixed fleet. The key issues being how to match supply to demand, a particular issue for wheelchair users at night.
5. For older people, people with a range of health problems and disabilities and wheelchair users, side access WAV can be used by the fewest number of people and is the least preferred type of taxi.
6. Wheelchair user, older people and people with a health problem or disability are most likely to agree with the draft policy.
7. Taxi drivers and frequent taxi users are least likely to agree with the draft policy.

Conclusions: The policy should be endorsed as a working document. Fleet composition needs to be monitored and reviewed. Policy options may influence fleet proportions; the Law Commission's review of taxi licensing law is likely to amend local licensing authority powers. Driver training should be continuous. There was no clear reason to amend the draft Hackney Carriage Accessibility policy although it is proposed that it will be a live policy document.

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.

Finance Officer Consulted: Jeff Coates

Date: 28/05/13

Legal Implications:

- 5.2 The new policy will assist the trade in meeting its obligations under the Equality Act 2010.

Lawyer Consulted: Rebecca Sidell

Date: 13/06/13

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.

Sustainability Implications:

- 5.4 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. The licensing authority needs to balance accessibility and air quality considerations; smaller Euro 5 + petrol powered vehicles have cleaner emission levels generally than larger, older, diesel powered vehicles. Drivers of wheel chair accessible vehicles and saloons have historically favoured diesel as a fuel of choice.

Crime & Disorder Implications:

- 5.5 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:

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

Public Health Implications:

- 5.7 None.

Corporate / Citywide Implications:

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

SUPPORTING DOCUMENTATION

Appendices: A Timeline for consultation on accessibility policy.

Appendices: B(ii) Results from the questionnaire on the consultation portal and **B(i)** analysis report produced by the Research and Analysis team.

Appendices: C Results from the accessibility forum.

Appendices: D The amended accessibility policy.

Appendices: E The Equalities impact review.

Appendices: F Complaints procedure

Appendices: G Council's Licensing Enforcement Policy

Appendices: H Letter from Mr L.Paine, Streamline

Documents in Members' Rooms

None.

Background Documents

None.