



## AGENDA ITEM: 8

### SUMMARY

|                     |  |
|---------------------|--|
| Report for:         | Licensing, Health & Safety and Enforcement Committee |
| Date of meeting:    | 27 October 2015                                      |
| PART:               | I  |
| If Part II, reason: |  |

|   |   |
|---|---|
| Title of report:  | Taxis and passengers in wheelchairs   |
| Contact:  | Ross Hill – Licensing Team Leader, Legal Governance   |
| Purpose of report:  | To advise the Committee of a letter received from the Hertfordshire Carers Forum, expressing concerns about access to wheelchair-accessible taxis and private hire services in Dacorum.   |
| Recommendations   | That Members note the report.   |
| Corporate objectives:   | Safe and Clean Environment <ul style="list-style-type: none"> <li>• Maintain a clean and safe environment</li> </ul>  |
| Implications:   | <p><u>Equalities Implications</u><br/> Disability is a protected characteristic under the Equality Act 2010, and service providers may not refuse access to a service on the basis of such a characteristic. Council policies are intended to ensure a mixed licensed vehicle fleet, suitable to cater to the widest range of passengers.</p> <p><u>Financial / Value for Money / Risk / Health And Safety Implications</u><br/> None identified.</p> |
| Consultees:   | None  |
| Background papers:  |   |
| Glossary of acronyms and any other abbreviations used in this report: |   |

- 1.1. Dacorum licences a variety of vehicle types as hackney carriages (taxis) and private hire vehicles. The Council has also adopted a number of standards setting out minimum specifications which vehicles must meet to be considered suitable in design for licensing.
- 1.2. In 2003, Dacorum introduced a requirement for any new hackney carriage to be designed and constructed to safely carry passengers in wheelchairs – i.e. fitted with ramps or lifts, and suitable restraints for securing wheelchairs in place. This was in response to guidance from the Department for Transport to increase the number of wheelchair-accessible taxis nationally. The policy permitted the proprietors of existing non-accessible vehicles to replace their vehicles ‘like for like’, providing that the licence was maintained at all times for a non-wheelchair accessible vehicle – such licences are known colloquially by the trade as ‘golden plates’.
- 1.3. This policy has created a mixed hackney carriage fleet, with a number of vehicles able to carry passengers in wheelchairs, and a (larger) number which are not so adapted – i.e. saloon cars and multi-purpose vehicles. A mixed fleet is considered to be the most suitable approach, as the variety of vehicles can accommodate passengers with a wide range of disabilities – for example, many purpose-built London taxis which can carry wheelchairs also include privacy screens, which can cause difficulties for deaf or hard-of-hearing passengers. Saloon cars are also preferred by some passengers with restricted mobility, as they can be easier to enter and exit than the taller minibus-type vehicles which are common among the wheelchair-accessible vehicle types.
- 1.4. The policy only applies to hackney carriages, and is supported by case law. Legislation prohibits the use of fleet restrictions for private hire vehicles, and in the absence of an equivalent policy, the number of wheelchair-accessible private hire vehicles in use in Dacorum is not recorded.
- 1.5. The number of licensed wheelchair-accessible vehicles has declined in recent years, as part of an overall contraction in the size of Dacorum’s licensed vehicle fleet. The following statistics were collated as part of the Department for Transport’s biennial survey:

| Statistic                         | Number licensed on 31 March: |      |      |      |
|-----------------------------------|------------------------------|------|------|------|
|                                   | 2009*                        | 2011 | 2013 | 2015 |
| <b>Hackney carriage vehicles:</b> |                              |      |      |      |
| Wheelchair-accessible             | 48                           | 64   | 56   | 49   |
| Total                             | 243                          | 254  | 246  | 235  |
| <b>Private hire vehicles:</b>     |                              |      |      |      |
| Total                             | 176                          | 190  | 182  | 176  |

*\* figures estimated by DfT, as an incomplete return was submitted in this year*

- 1.6. The letter attached at Annex A was received earlier this year, expressing concerns from the Hertfordshire Carers Forum about difficulties in accessing taxi and private hire services in Dacorum with passengers in wheelchairs.

- 1.7. No complaints regarding such issues have been made directly to the Licensing team in a number of years.
- 1.8. Officers maintain a list of contact details on the Council's website for proprietors of wheelchair-accessible hackney carriages who have consented to the inclusion of their details. Last year, this list was extended to include private hire operators who indicated to us that they had wheelchair-accessible vehicles available for use and who again consented to their inclusion.
- 1.9. Where officers receive and substantiate complaints from members of the public relating to any aspect of taxi or private hire services, a full range of enforcement options are available. If a taxi or private hire driver in a wheelchair-accessible vehicle refuses to convey a passenger due to them being in a wheelchair, it is not currently possible to prosecute under the Equality Act 2010, as the relevant offences have not been commenced to date – however, alternate enforcement action could still be taken, including for taxi drivers, prosecution for the general offence of refusing to drive.
- 1.10. The first prosecution brought by Dacorum Borough Council under the Equality Act 2010 for refusing to convey a disabled passenger resulted in a successful conviction earlier this year, and the Council will not hesitate to use the full range of powers at its disposal for any further incidents of this type.
- 1.11. Warnings and reminders of taxi and private hire driver's obligations under the Equality Act 2010 have been sent via the council's e-newsletter, maintained to disseminate such information, both following the conviction earlier in the year and following receipt of the above letter.
- 1.12. It is suggested that officers monitor this issue, and report to the Committee again in the event of any further developments. At this time, officers believe that there is insufficient evidence to support any change of policy in respect of the licensing of wheelchair-accessible vehicles. Officers will also liaise with the Carers Forum to try and obtain further details of specific incidents where customers have not been able to access wheelchair-accessible taxis or private hire vehicles, for whatever reason.

## ANNEX A – LETTER FROM HERTFORDSHIRE COUNTY COUNCIL



Ross Hill  
Team Leader  
Legal Governance and Licensing  
Dacorum Borough Council

### **COMMUNITY WELLBEING COMMISSIONING TEAM**

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27<sup>th</sup> July 2015

Dear Ross

I am writing on behalf of Councillor John Barfoot. Councillor Barfoot chairs the Carers Forum at Hertfordshire County Council, which I support. The Carers forum is a twice yearly meeting where representatives from various Carers organisations and other partner agencies within Hertfordshire meet with Carers to discuss any local and relevant issues. It aims to provide a forum for ongoing dialogue and engagement with carers, to give carer input into the development of the Hertfordshire Carers Strategy and into any commissioning decisions impacting upon carers.

We have had concerns raised at this meeting regarding a lack of available wheelchair accessible taxis within Dacorum and are making contact to pass these on you as the licencing authority.

We are reassured to see that the Dacorum Borough Council website details that you licence a number wheelchair accessible vehicles, some with additional features and that you maintain a list of a number of wheelchair-accessible taxis, allowing customers to contact them to pre-book journeys.

However the Carers forum has received reports of difficult experiences for carers trying to access a wheelchair accessible taxi within Dacorum, which is concerning to us. Carers have reported either extremely long waits before they can source a wheelchair accessible taxis or have reported not being able to source a taxi at all which has left them feeling stranded and anxious.

We wanted to make you aware of these concerns and would welcome your comments on the steps the council takes to monitor access to wheelchair accessible taxis.

I would be grateful if you could look into the matter with some urgency,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T. Napper', written in a cursive style.

Tim Napper  
Commissioning Manager - Carers