

REPORT TO: LICENSING COMMITTEE

DATE: 10 MARCH 2020

TITLE: WHEELCHAIR ACCESSIBILITY IN THE LICENSED FLEET

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND LICENSING MANAGER (01279) 446114

CONTRIBUTING OFFICER: CHRIS BENNETT, PRINCIPAL ENVIRONMENTAL HEALTH OFFICER (01279) 446113

RECOMMENDED that:

- A** The Licensing Team work with the trade, as set out under proposals at paragraph 14 of the report, to support good practice in the operation of designated Wheelchair Accessible Vehicles (WAVs) and better promote information about their availability.
- B** A further report be brought to Licensing Committee examining the merits of a formal survey of unmet need for WAVs in Harlow at a time when revised central government guidance on licensing of the Hackney carriage and private hire trades is available.

BACKGROUND

- 1. Further to a resolution at the Licensing Committee meeting of 12 March 2019 the Licensing Team has carried out research into readily available evidence around how well needs for wheelchair accessible Private Hire and Hackney Carriage vehicles are met in Harlow. The detail and findings of this research are set out below.
- 2. The Equality Act 2010 places duties on drivers of designated Hackney Carriage and Private Hire vehicles to transport disabled people in safety. The Council maintains a list of designated vehicles which can be seen at paragraph 8 of the report.
- 3. Drivers of designated vehicles must:
 - a) Carry the passenger while in the wheelchair
 - b) Not to make any additional charge for doing so
 - c) If the passenger chooses to sit in a passenger seat, carry the wheelchair
 - d) Take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
 - e) Give the passenger such mobility assistance as is reasonably required.

CURRENT POSITION

- 4. A Task and Finish Group, on behalf of the Department for Transport, has considered the adequacy of licensing authorities' current powers to protect public safety when licensing taxis and private hire vehicles. This group made a number of recommendations for change, amongst which was the introduction of statutory

guidance, to which Licensing Authorities would be required to have regard, on applying conditions to licences. Such guidance might be expected to strengthen conditions in some cases, and to improve consistency between authorities.

5. Further to these recommendations by the Task and Finish Group, The Department for Transport issued a consultation paper in February 2019 with more detail about proposed statutory guidance. The outcome of this consultation has not yet been published, the Department for Transport had been expected to publish in early 2020.
6. In February 2019 the Government published “Moving Britain Ahead”, a response setting out its position on 34 recommendations identified by a Task and Finish Group. Of the 34 recommendations several are made in relation to accessibility.
7. The first recommendation is made in relation to mandatory disability awareness and equality training. The Council does require all licensed drivers to undergo disability awareness training. This has been a requirement since 2016. The Licensing Team has undertaken a review of the training provider for the 20/21 financial year. A new provider has been sourced and the next training session is being organised for June 2020. The training course will contain a new module to cover ‘equality training’. The Council is then ahead of any potential requirement to mandate this training. In addition to this, all new Hackney Carriage drivers are mandated to attend a wheelchair assessment course as part of their driver assessment.
8. The second recommendation is in relation to providing a list of designated WAVs in compliance with s. 167 of the Equality Act 2010.
9. On 21 November 2017 the Licensing Committee resolved that the Council would formally designate wheelchair accessible vehicles. The Council maintains a list of designated vehicles, available at the following web address:

<https://www.harlow.gov.uk/streets-and-travel/travel/taxis/wheelchair-accessible-vehicles>
10. The Council is then already compliant with this recommendation.
11. A further recommendation is made in relation to local authorities that have low levels of Wheelchair Accessible Vehicles (WAVs) in their licensed fleet.
12. In relation to this recommendation ‘low levels’ is not defined, however, the Licensing Team have compared the Harlow numbers against the national averages. The Department for Transport statistics, published in March 2019, identified that in England 58.4 per cent of all Hackney Carriages and 2.2 per cent of all Private Hire vehicles are wheelchair accessible. Therefore, the overall percentage of WAVs across both trades is 15.76 per cent.
13. In Harlow we have 307 licensed vehicles. 65 of these are Hackney Carriages and 242 are Private Hire vehicles.
14. Of the 65 Hackney carriages 100 per cent are designated as wheelchair accessible. Clearly, this figure is well above the national average.

15. Of the 242 Private Hire vehicles only one is currently designated as wheelchair accessible which equates to 0.4 per cent. This figure is lower than the national average. If Harlow had five (an increase of four vehicles) Private Hire vehicles that were designated as wheelchair accessible then this would equate to 2.1 per cent of the overall Private Hire trade. This would then be more comparable with the national average figure for the Private Hire trade.
16. However, the overall percentage of WAVs across both trades is 21.5 per cent. This is above the national average.
17. In relation to better balance across the overall fleet the Government response to the Task and Finish Group findings highlights that Transport for London has commented on the difficulty in achieving a mixed private hire fleet, as vehicles are often licensed by individuals rather than private hire vehicle operators to whom a quota might be more easily applied. The Local Government Association also noted that there may be practical and legal barriers to mandating minimum WAV numbers.
18. There is currently no centrally issued statutory or best practice guidance available to support local authorities in increasing the numbers of WAVs within the licensed fleet. There is the risk of successful legal challenge if conditions are imposed on operators. Any condition applied in relation to WAVs made in accord with national guidance is likely to withstand most legal challenges: a scheme devised locally would need to be defended on its merits and is likely to be at a higher risk of successful challenge.

STAKEHOLDER RESEARCH AND FINDINGS

19. There are further considerations in relation to how well needs are met besides the overall numbers of designated vehicles. To better understand such issues the Licensing Team have consulted with the following stakeholders:
 - a) The trade, including both major private hire operators in Harlow
 - b) Nightingale Disabled Transport Ltd; (This business is based in North Weald, Essex and is licensed as a private hire operator with its own fleet of four fully wheelchair accessible vehicles. They can take nearly all types of wheelchair, with the possible exception of certain types of bariatric wheelchairs. They are approved by Essex County Council and have done work for Princess Alexandra Hospital (PAH). They operate 7 days a week. They provide a personal service that gives individual assistance for wheelchair users: for example, they will take patients straight on to a ward at PAH)
 - c) Princess Alexandra Hospital discharge unit
 - d) Resident who had used hackney carriages to transport a disabled relative
 - e) Customer online reviews of hackney carriage booking portals
 - f) Harlow Council community engagement officers

- g) Epping Forest and Harlow Community Transport
- h) Rainbow Services
- i) Leah Manning Centre
- j) Harlow Mobility retail unit
- k) Harlow stroke support group.

13. The key findings of this research are:

- a) Hackney Carriage vehicles are adapted to carry standard reference wheelchairs but larger wheelchairs and some electric wheelchairs may be difficult to transport safely and in reasonable comfort. For example, it would not be possible to anchor a wheelchair properly in a 'sideways' orientation. Some wheelchair users have preferences in terms of how a vehicle is loaded. All Harlow Hackney Carriage vehicles load by a side door with the use of ramps, while other types of vehicle are rear loading with the use of solid ramps, an electric lift, or an electric winch. The one private hire vehicle in Harlow that is a WAV is rear loading with an electric lift and is capable of carrying several passengers in addition to the wheelchair user
- b) Wheelchair users may have difficulty pre-booking Hackney Carriage vehicles as they do not have an 'operator' as such. The designated list of WAV that the Council publishes meets the requirements of the law but does not help users contact a suitable Hackney Carriage driver or any 'circuits' of cooperating drivers
- c) There may be wheelchair users that do not have sufficient funds to undertake any form of taxi or Private Hire journey. Addressing this finding is beyond the scope of this report
- d) There may be wheelchair users that are reluctant to book taxi and Private Hire vehicles through concern about being unable to reliably book a journey home
- e) The Licensing Team has not received any recent complaints in relation to lack of or the operation of WAVs
- f) Quantifying any unmet demand accurately is likely to require external expertise in the form of an independent transport consultancy firm. Initial soundings suggest that a robust survey of unmet demand which would include consultation with the public and all relevant stakeholders such as community groups can be carried out within an estimated budget figure of up to £8,000.

PROPOSALS

14. There is some evidence that best practice is not being used by all drivers of designated WAVs. The Licensing Team will contact all drivers of designated WAVs to re-emphasise their responsibilities with regard to carrying people with disabilities. This will include information on the legal requirements and recommended practice in

terms of loading wheelchair users and safely securing wheelchairs. The Licensing Team will also work with the trade to make more information available, on a voluntary basis, about contact details for hackney carriage drivers to assist the public in identifying and pre-booking journeys with suitable WAVs. Where available the information should include details of the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a “reference wheelchair” can be accommodated.

15. The Licensing Team will obtain independent legal advice in relation to whether it could, if it were considered desirable, use conditions to require private hire operators to provide a minimum per cent/ratio of WAVs. Advice will also be sought on whether the Council can incentivise the use of WAVs, perhaps by way of a reduced vehicle licence fee for designated Private Hire vehicles.
16. In the absence of guidance on intervening in the market by way of licence conditions, and in the light of the expectation that revised guidance on licensing of private hire and hackney carriage trades is expected in the near future, it is proposed to defer any expenditure on a formal survey regarding unmet need until such revised guidance is published.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

As set out in the report.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, and Property and Facilities)

As set out in the report.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

None specific.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

Any practicable steps the Council can take to identify and address unmet need are expected to be of benefit to wheelchair users, as confidence in the ability to travel can prevent exclusion.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

Whilst awaiting further Government guidance, the Council must have due regard to its public sector equality duty to ensure that any decision made is proportionate for the local community.

Author: Simon Hill, Head of Governance

Appendices

None

Background Papers

Government Response; Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing; Moving Britain Ahead; February 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/847315/taxi-task-and-finish-gov-reponse.pdf

Taxi and Private Hire Vehicle Licensing: Protecting Users; Statutory Guidance for Licensing Authorities; February 2019- consultation version

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778274/taxi-phv-licensing-protecting-users-condoc.pdf

Access for wheelchair users to taxis and private hire vehicles

<https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles>

Glossary of terms/abbreviations used

WAV - Wheelchair Accessible Vehicle