

<b>Title of Report:</b>	<b>Amendment to Hackney Carriage Proprietors (Vehicle) Conditions and Hackney Carriage Vehicle Drivers Conditions &amp; Byelaws</b>
<b>Report to be considered by:</b>	Licensing
<b>Date of Meeting:</b>	23 June 2015
<b>Forward Plan Ref:</b>	n/a

**Purpose of Report:** To advise Members of the need to make urgent changes to some of the standard conditions for hackney carriages.

**Recommended Action:** To approve the changes

**Reason for decision to be taken:** Current licensing conditions are not fit for purpose.

**Other options considered:** No change to licensing conditions

**Published Works:** Equality Act 2010  
Town Police Clauses Act 1847  
Local Government (Miscellaneous Provisions) Act 1976

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Keith Chopping
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<b>Date Portfolio Member agreed report:</b>	e mailed to Portfolio Holder 15/6/15

Contact Officer Details	
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### Implications

**Policy:** Covered by existing arrangements  
**Financial:** None  
**Personnel:** None  
**Legal/Procurement:** The Council has a legal duty to protect the disabled and vulnerable in society  
**Property:** None

**Risk Management:** Covered by existing arrangements

Is this item relevant to equality?	Yes	No
Please tick relevant boxes		
Does the policy affect service users, employees or the wider community and: <ul style="list-style-type: none"> <li data-bbox="167 360 1214 432">• Is it likely to affect people with particular protected characteristics differently? <input checked="" type="checkbox"/> <input type="checkbox"/></li> <li data-bbox="167 432 1214 472">• Is it a major policy, significantly affecting how functions are delivered? <input checked="" type="checkbox"/> <input type="checkbox"/></li> <li data-bbox="167 472 1214 544">• Will the policy have a significant impact on how other organisations operate in terms of equality? <input checked="" type="checkbox"/> <input type="checkbox"/></li> <li data-bbox="167 544 1214 616">• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics? <input checked="" type="checkbox"/> <input type="checkbox"/></li> <li data-bbox="167 616 1214 656">• Does the policy relate to an area with known inequalities? <input checked="" type="checkbox"/> <input type="checkbox"/></li> </ul>		
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)		
Relevant to equality - Complete an EIA available at <a href="http://intranet/EqIA">http://intranet/EqIA</a>		<input checked="" type="checkbox"/>
Not relevant to equality		<input type="checkbox"/>

# Executive Summary

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## **1. Introduction**

- 1.1 The Council has the duty of licensing Hackney Carriages (taxis) and their drivers under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 In order to effectively control and enforce under the above legislation the Council has added conditions to licences that cover a wide range of subjects. One of these is the provision of taxis accessible by people with disabilities.
- 1.3 A number of complaints have been received that this access is not being afforded to people with disabilities in some cases however, to date, it has not been possible to gather sufficient evidence to withhold complaints. The proposed changes are intended to make the taxi licensing conditions clear regarding the requirements and how they should be met.

## **2. Proposal**

- 2.1 To adopt revised conditions for taxi vehicle licences and add to the standard driver conditions to improve understanding and transparency.

## **3. Equalities Impact Assessment Outcomes**

- 3.1 An Equalities Impact Assessment has been provided which improves and clarifies the impact that a change of conditions will make to persons within protected characteristics, namely the disabled.

## **4. Conclusion**

- 4.1 Officers believe that these changes are necessary to make the Council's taxi policy in respect of disabled persons more robust and less open to abuse.

# Executive Report

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## 1. Introduction

- 1.1 The Council has determined a number of conditions under statute which frame the requirements for the operation of hackney carriages (taxis) and their drivers in the District. This includes provisions to ensure vehicles are reasonably accessible to people with disabilities
- 1.2 Recent incidents and complaints both from the trade and the public have highlighted some areas within the conditions do not provide sufficient clarity and therefore require updating improve understanding.
- 1.3 It is suspected that a small number of drivers are not complying with the taxi conditions including drivers failing to ensure that mechanical or other aids to assist with the safe transportation of disabled passengers are not being provided on the vehicle. This leads to drivers refusing to pick up persons confined to a wheelchair.
- 1.4 To date there has not been sufficient evidence to take formal action against any driver or operator and it is felt that the lack of clarity in the standard conditions is partly at fault.

## 2. Proposal

- 2.1 It is proposed that the following conditions are added to the Hackney Carriage Proprietors (vehicle) conditions;
  - (1) Any taxi which is licensed as a wheelchair accessible vehicle (WAV) must have available on the vehicle at all times whilst working, suitable approved equipment (ramps, hoist or other lifting device) for facilitating wheelchair access into the vehicle and such approved straps, belts of other safety restraining equipment as is necessary to ensure that the customer is secure and safe whilst in the vehicle. All such equipment shall be in full working order and where non metal fabrics are used, not broken, frayed or torn.
  - (2) All ramps and other non manufacturers standard equipment provided as disabled access facilities must be stamped, if of metal construction, with the registered number and licence number of the vehicle and all non metal equipment similarly marked by means approved by the Council. Both types of marking shall be of such proportions as to be easily readable and in the case of non metal equipment, shall be indelible.
  - (3) Any vehicles fitted with a swivel seat shall ensure that the seat is in good repair and is tested regularly to ensure free movement.
  - (4) Where a temporary licence is applied for in the event of a vehicle having to be taken off the road due to accident damage or breakdown, a licence may be issued for a period of one month. This may be extended in exceptional circumstances for a further two months in total at one monthly intervals.

- (5) Any replacement vehicle will be required to be like for like. i.e. if a wheelchair accessible vehicle is replaced, it must be substituted with a similar accessible vehicle. If a swivel seated vehicle is replaced it must be substituted for a wheelchair accessible vehicle. A protected vehicle which is not required to provide disabled access by virtue of the licence may be substituted by a like for like type of vehicle.

2.1.4 These conditions will replace condition 2. q) of the Hackney Carriage (Proprietors) Vehicle Conditions.

2.2 It is also proposed that the following are added to the Hackney Carriage Vehicle Drivers Licence Conditions & Byelaws as an informative.

### 2.3 **Town Police Clauses Act 1847 section 53**

A driver of a hackney carriage standing at any of the stands for hackney carriages appointed by the commissioners, (the Council) or in any street, who refuses or neglects, without reasonable excuse, to drive such carriage to any place within the prescribed distance, (within the West Berkshire Council district), to which he is directed to drive by the person hiring or wishing to hire such carriage, shall be guilty of an offence. (The penalty currently stands at a fine not greater than £500)

### 2.4 **Equality Act 2010**

The Act makes it an offence for any person to discriminate against any other person who comes within protected characteristics; these are;

- a) age;
- b) disability;
- c) gender reassignment;
- d) race;
- e) religion or belief;
- f) sex;
- g) sexual orientation

therefore, a person (A) (taxi or private hire driver) discriminates against another (B) (potential customer) if, because of a protected characteristic (A) treats (B) less favourably than (A) treats or would treat others.

## Consultees

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**Local Stakeholders:** Taxi and Private Hire Trade Liaison Group

**Officers Consulted:** Paul Anstey Environmental Health & Licensing Manager, Julia O'Brien Principal Licensing Officer, Sarah Clark Solicitor Team Leader

**Trade Union:** None