

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 16 DECEMBER 2014

Councillors Present: Peter Argyle (Chairman), Paul Bryant, Adrian Edwards, Manohar Gopal, Tony Linden, Geoff Mayes, Andrew Rowles and Quentin Webb

Also Present: Sarah Clarke (Team Leader - Solicitor), Sharon Gavin (Technical Officer - Licensing), Cheryl Lambert (Technical Officer), Brian Leahy (Senior Licensing Officer), Julia O'Brien (Principal Licensing Officer), Amanda Ward (Licensing Officer) and Jo Naylor (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Billy Drummond, Councillor Sheila Ellison, Councillor Mollie Lock and Councillor Ieuan Tuck

Others Present: Eight members of the public were present.

PART I

1. Minutes

The Minutes of the meeting held on 3rd June 2014 were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

There were no declarations of interest received.

3. Specially Adapted Taxis

Mr Brian Leahy introduced (Agenda Item 4) explaining the former decision by the Council's Public Protection Committee (6th June 2000) which required that all new taxi licences granted after this point had to be suitable for wheelchair users and other people with disabilities. This was in response to the Disability Discrimination Act 1995 and the provisions which needed to be made to comply with this legislation.

The impact of the decision meant that new licences issued from 2003 needed to be for a suitably adapted vehicle (SAV) i.e. either adapted with a swivel seat or by the purchase of a fully wheelchair accessible vehicle. Brian explained that approximately one third of the current taxi fleet was fully wheelchair accessible.

Mr Leahy described the background which included former challenges to the decision through both a Judicial Review and a local Magistrates Court appeal. The Judicial Review was dismissed however the Magistrates Court appeal found that the swivel seats were not fit for purpose and caused particular difficulties in relation to restricted headroom within the vehicle.

Mr Leahy also mentioned the historic significance of two taxi licensed zones; the Newbury 'town' zone and the West Berkshire 'district' zone. Back in 2000, a taxi survey commissioned through MCL Transport Consultants demonstrated unmet demand for taxis, particularly in the Newbury 'town' zone. This led to a decision to suspend licensing conditions in order to allow the 'district' taxis to also operate in the Newbury town centre.

A number of recent requests had been made by the taxi operators for a change to the current policy to remove the requirement for a swivel seat in favour of reverting back to

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an un-adapted vehicle. The taxi operators were also keen to seek early guidance as to the future accessibility requirements of the Licensing Authority in line with national legislation before making any commitment to purchase new vehicles.

Mr Leahy described some of the options contained within the report to allow for swivel seats to be removed, ensure the entire fleet was wheelchair accessible or wait for further Government guidance should the Taxi and Private Hire Bill become legislation; however there was no further information at this point in time as to whether the Bill would receive Royal Assent.

Mr Leahy also explained the views of West Berkshire Council's Access Officer and the West Berkshire Disability Alliance that a mixed fleet of taxis was preferable, with a removal of the need for swivel seats, in favour of fully wheelchair accessible vehicles.

Mr Leahy reported that there were potentially 29 licensees that would be directly affected by this decision; these had not been consulted individually but had been made aware of the agenda item at this Licensing Committee meeting. It was felt that potentially a further period of consultation would be beneficial with the taxi trade including these 29 licensees.

Councillor Webb wished to put to the taxi trade a query about the maintenance of the fleet and whether there was a point at which vehicles had to be replaced or whether there was no age limit for a vehicle other than the requirement for it to remain roadworthy.

Similarly Councillor Bryant expressed a view that he was keen to hear the view of those present at the Committee particularly to gain a further understanding of any inadequacies of the swivel seats currently being used.

It was agreed to suspend the Standing Orders of the Committee in order to allow representatives from the taxi trade to speak to the Committee.

Councillor Mayes enquired about the number of licences issued as a whole. Mr Leahy confirmed that there were a total of 189 Hackney Carriage Proprietor Licences and 29 of these vehicles had been adapted with swivel seats.

Mr Ashley Vass, Chairman of the West Berkshire Hackney and Private Hire Association spoke on behalf of the local taxi trade. He described the discussion of ideas at quarterly trade liaison meetings however he explained that during July 2014 they were still awaiting the Government legislation on future accessibility requirements before taking any firm view. Mr Vass explained how he felt there were clearly two sides to consider and possible objections on either side.

Mr Vass explained that he was aware of 26 vehicles fitted with swivel seats and all taxi operators had abided by the rules imposed by the Council since 2003. He explained the general view that the trade would like to see a mixed fleet of vehicles. He explained how disability was not just restricted to those that were wheelchair bound but that the needs of the blind, deaf and infirm also needed to be considered. Mr Vass described his own vehicle, a Peugeot E7 which although technically fully wheelchair accessible had on a previous occasion not been able to accommodate a person in a wheelchair due to height of the person in the wheelchair; thus confirming the difficulty of vehicles being universally accessible. Similarly, the swivel seat often resulted in issues with headroom within the cab as the swivel seat restricted the overall height available. Additionally, he described how the Ford Galaxy MPV which could be bought with a swivel seat already incorporated was equally difficult to access for the elderly due to the vehicle's height from the ground.

Mr Vass explained that the estimated lifetime of a vehicle used as a taxi was four to five years. If a new vehicle had been bought factory manufactured with a swivel seat (i.e. a Ford Galaxy or similar) it would have been almost eight to ten years before that vehicle broke-even on costs. Therefore he argued that most taxi proprietors that invested in

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vehicles, factory manufactured with swivel seats, would be further financially disadvantaged if they were then subsequently required to convert these to a fully wheelchair accessible vehicle. Mr Vass confirmed that full consultation with the trade would be welcomed, particularly to receive views from proprietors on swivel seats, the move towards fully wheelchair accessible vehicles or providing the option to return a swivel seated vehicle to a normal un-adapted car.

Councillor Webb queried whether wheelchairs were always available in a taxi to help assist the less mobile, for example, those recovering from knee surgery. Mr Vass confirmed that wheelchairs were not stored in the taxi but that any passenger would need to choose the most appropriate vehicle from the rank.

Councillor Bryant asked for clarity about the main drawback of swivel seats; particularly the restricted height issue and the differences between vehicles. Mr Vass confirmed that the Ford Galaxy MVP was manufactured with a swivel seat however other vehicles would need to be adapted. The swivel seat was generally viewed by the trade as ineffective and was rarely used.

Councillor Gopal enquired about the potential difficulties with mobility of large-bodied disabled individuals and access to the different types of taxi. Mr Vass confirmed how present day wheelchairs could be far more sizeable; some having as many as 6-wheels and therefore it was not always possible to accommodate these.

Mr Vass explained taxis similar to a London cab (a Metrocab) would require a ramp access mainly through passenger door. The Peugeot E7 (a Eurocab) was generally side access, some having side and rear door access. The FX1 was side access and the Fiat Doblo was rear door accessible however was not always capable of taking passengers with a wheelchair due to limited space and legroom. He explained how the VW Transporter had rear door access and as a larger vehicle was better able to accommodate most wheelchairs.

Mr Vass further explained the issues of single ramps and the challenges of ensuring all wheelchair wheels were in alignment. Mr Vass described that some wheelchair users liked to go in a saloon car thus a mixed fleet proposal was seen as the most satisfactory.

Councillor Webb enquired from Mr Vass about what valid questions could be posed to the trade to help inform the Committee as part of the consultation. Mr Vass confirmed that it would be helpful to survey the trade for a view on a mixed fleet over a fully wheelchair accessible fleet and the usage of swivel seats which in his view were rarely used.

Sarah Clarke (Solicitor) confirmed that any consultation would focus on the proposal that was currently being debated not the questions the taxi trade might wish to see surveyed.

Christina Hayes, a member of the taxi trade present, was permitted to speak by the Chairman. Ms Hayes explained how she had recently tried to help an elderly lady onto a swivel seat in her taxi however the lady felt it preferable to move herself into the vehicle with the assistance of a plastic bag instead.

Mr Vass continued by explaining the relative cost of the different taxi vehicles. For example, a second-hand Fiat Doblo cost approximately £3-4k whilst a fully wheelchair accessible vehicle such as a Peugeot E7 was approximately £30k. The Ford Galaxy MPV and Peugeot E7 represented far more expensive options and would need to be kept for longer periods of time i.e. up to 15 years to represent value for money.

Stephen Richards, another taxi operator explained the trade's compliance with the swivel seat licensing regulation since 2003. He explained how since then he had been required to replace his vehicle several times and that only certain vehicles could accommodate

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swivel seats. Mr Richards felt that a move towards all fully wheelchair accessible fleet could be viewed as a further penalty measure to the trade. Mr Richards felt costs were higher in West Berkshire than for taxi drivers elsewhere. He also raised a concern that Hackney Carriage drivers were not insured to push wheelchairs onto taxis and this would require the disabled person to have a carer present to do so.

Councillor Mayes asked about the mechanism by which swivel seats were attached. Mr Vass confirmed it was a replacement to a normal car seat, fitted via bolts and a bracket to the holes left after the original car seat was removed.

Mr Vass also mentioned that these swivel seats could result in error messages on the dashboard for example, the airbag light showing or seatbelt error message which consequently could cause a vehicle to fail its MOT test.

Another member of the trade raised a point about the need for the Council to establish the number of disabled people that used taxis as a consideration as part of this decision.

Councillor Bryant raised a concern about whether the current timescales made it practical for the fleet of suitably adapted taxis to be fully wheelchair accessible by 2016.

Members of the Committee then decided to reintroduce Standard Orders to not allow any more comment from the public.

It was agreed that there should be full consultation with the entire licensed taxi trade (all West Berkshire Hackney Carriage Proprietors) to allow for their views to be collected. The questionnaire would cover the main concerns raised by the taxi trade around the inadequacies of the swivel seats, the option for a permanent mixed fleet (both fully wheelchair accessible and un-adapted) and the reasonableness of expecting fully wheelchair accessible vehicles by 2016. Members requested they see and approve the draft questionnaire before it was released.

Councillor Rowles added that he thought there was scope for a fleet which provided for full wheelchair accessibility and un-adapted taxis. He felt that 100 percent full wheelchair access compliant might not be necessary and that a proportionate view should be taken. He further added he was aware from personal experiences with disabled users of taxis that swivel seats were often regarded as unsuitable.

Councillor Mayes added that as part of the consultation on swivel seats that some view of any suitable timescale for introducing changes should be considered.

The consultation period suggested was 12-weeks and it was agreed it would also be made public on the Council's website.

RESOLVED that:

There should be full consultation on current proposals regarding Suitably Adapted Vehicles (SAVs) with all of the West Berkshire Taxi Licensed Proprietors over a 12-week period to assist in informing the Licensing Committee with respect to conditions attached to existing licenses issued after 2000 and future licence applications.

All Members unanimously agreed this decision other than Councillor Edwards who abstained due to his late arrival and absence from the early part of the debate.

(The meeting commenced at 6.35 pm and closed at 7.20 pm)

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CHAIRMAN

Date of Signature