

Appendix G

Title of Report: Disabled Taxi Access	Item 4
Report to be considered by: Licensing Committee	

Purpose of Report:

To report back to Members on the outcome of the Task Group's investigation into disabled access to taxis in West Berkshire.

Recommended Action:

To note the report and adopt the recommendations listed in the report.

List of other options considered:

Three options are set out in the report including taking no further action and appealing against the Stipendiary Magistrate's decision

Key background documentation:

- None

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Supporting Information

1. Background

- 1.1 The Licensing Committee considered a report about Disabled Access to Taxis at its meeting on 7 December 2004 which is attached as Appendix 4(a).
- 1.2 In July 2000 the Council, as the Licensing Authority, considered reports on disabled access to taxis and agreed that taxis licensed after April 2001 should either be fully wheelchair accessible or have an approved swivel seat fitted to the front passenger seat. Taxis operating under licenses issued prior to April 2001 would be exempt from this condition.
- 1.3 Many taxi operators met the condition, but a small number did not choose to do so and chose to appeal. The Stipendiary Magistrate allowed the appeal as he felt that swivel seats, although safe, were not suitable for all passengers. However he noted that, had the Council chosen to impose only the fully wheelchair accessible option, the appeal would have been dismissed.
- 1.4 In September 2004 the Licensing Committee imposed a temporary moratorium on granting taxi licenses in order for a Task Group to be set up who would undertake an investigation into disabled taxi access in the District.
- 1.5 The Task Group, consisting of four Members, met with representatives from the taxi trade and from disabled users to discuss issues concerning taxi access and disability awareness training. Their report and recommendations following these meetings are attached at Appendix 4.

Appendices

Appendix 4(a) – Taxis – Access by the Disabled (Report to the Licensing Committee on 7th December 2004)
Appendix 4(b) – Report and Recommendations by the Licensing Committee Task Group reporting on Disabled Access to taxis in West Berkshire

Implications

Policy:	There is no formal policy on this subject other than the broad policy of the Council linked to equalities below.
Financial:	The recommendations may tend to reduce the number of taxis on the road. This in turn may affect income from licensing although the exact impact is difficult to predict.
Personnel:	None
Legal:	The report summarises the recent legal actions and the recommendations involve imposing new licence conditions for taxis. These reflect the experience of the last appeal.
Environmental:	If Members opt to resolve to impose a wheelchair-only policy for new taxis this may result in fewer additional taxis on the road. The exact impact is difficult to predict.

Equalities: The provision of reasonable levels of access to taxis by disabled people is central to the Council's equality policy. Disability awareness training for drivers of the taxi service will enhance the service provided by the taxi trade.

Property: None

Risk Management: None

Community Safety: None

Consultation Responses

Local Stakeholders: Representatives of disabled groups and the taxi trade.

Officers Consulted: John Priest, Environmental Health Manager
Brian Leahy, Senior Licensing Officer

Trade Union: None

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 14 MARCH 2005

Councillors: Geoff Findlay (*Chairman*) (P), Peter Argyle (P), Billy Drummond (P), John Farrin (*Vice-Chairman*) (P), Manohar Gopal (P), Sally Hannon (P), Roger Hunneman (P), Owen Jeffery (P), Tony Linden (AP), Mrs Irene Neill (P), Alexander Payton (AP), Mike Rodger (AP), Andrew Rowles (P), Quentin Webb (P)

PART I

19. APOLOGIES.

Apologies for inability to attend the meeting were received on behalf of Councillors Tony Linden, Alexander Payton and Mike Rodger.

20. MINUTES.

The Minutes of the meeting held on 07 December 2004 were approved as a true and correct record and signed by the Chairman.

21. DECLARATIONS OF INTEREST.

There were no declarations of interest received.

22. DISABLED TAXI ACCESS.

The Committee considered a report (Agenda Item 4) concerning the outcome of the Licensing Committee Task Group's investigation into disabled access to taxis in West Berkshire. The Task Group, which consisted of four Members, had met with representatives from the taxi trade and disabled users and discussed issues concerning taxi access and disability awareness training.

The Chairman of the Licensing Committee thanked all those who had taken the time to join the Task Group and put forward their views which had resulted in fruitful and valuable discussions. The Task Group recognised that any policy and conditions proposed had to be fair to all users of Hackney Carriages in West Berkshire and to the Trade. It was anticipated that the demand for disabled taxis would rise and there was therefore a need to raise the proportion of taxis offering facilities for the disabled. Members however did recognise that taxis offering full wheelchair access i.e. the London taxi type of vehicle, were not necessarily suitable or the preferred mode of travel for all disabled clients, nor was such a vehicle ideal outside urban areas or on rural roads.

Members noted the existing taxi fleet fell into four categories and also that the Task Group had recommended that Disability Awareness Training be introduced for all new taxi drivers at the earliest opportunity.

During discussion on this item Members were pleased to see the recommendation relating to Disability Awareness Training which they were keen to follow up. Members also noted that the survey, undertaken by the Berkshire Disability Alliance, showed that there was a need to have a balanced fleet of vehicles especially as all types of vehicles were not always suitable for all disabilities.

A set of recommendations were tabled which had been produced from the recommendations included in the report of the Licensing Committee Task Group.

RESOLVED that:

- (1) the comments of the Task Group be noted;
- (2) a mixed fleet of vehicles be maintained in service;

LICENSING COMMITTEE – 14 March 2005 – MINUTES

- (3) those taxis licensed before April 2001, the group presently not subject to conditions requiring disabled access, should continue to be free from conditions relating to disabled access, subject to any national legislation which might be introduced at a later date;
- (4) applicants who were granted licences subject to disabled access conditions, and who met those conditions by providing either wheelchair access or a swivel seat, should remain subject to those conditions;
- (5) all taxis first licensed from 15th March 2005 should be granted on the condition that vehicles provide full wheelchair accessibility;
- (6) unadapted taxis (that is taxis licensed after April 2001 which were not equipped with either a swivel seat or that could provide full access to wheelchairs) should provide full wheelchair accessibility from either the next change of vehicle or 1 October 2006, whichever was the sooner;
- (7) Officers prepare an appropriate scheme of Disability Awareness Training for taxi drivers to be approved by this Committee at a future meeting; and
- (8) Officers prepare a report for this Committee early in 2006 setting out the current make up of the taxi fleet including the proportion equipped or modified for use by disabled people. In addition, the report should set out the current and future state of taxi driver training for Disabled Awareness and would also propose a definitive statement on wheelchair accessibility of taxis.

23. ANNUAL REVIEW OF THE TAXI TARIFF AND REVIEW OF TAXI CONDITIONS.

The Committee considered a report (Agenda Item 5) concerning the maximum scale of fares for licensed hackney carriages operating in the District for 2005/06 and a review of hackney carriage and private hire conditions.

Mr Rodney Nemeth, Vice Chairman of the West Berkshire Hackney Carriage and Private Hire Operators' Association, addressed the Licensing Committee and asked that a fare increase of approximately 3½% be agreed as set out in Appendix 5(b).

John Parfitt, Head of Public Protection, reported that the Anti Social Behaviour Task Group had requested that the Licensing Committee review all taxi licensing conditions in order to reduce Anti Social Behaviour across the District. There was therefore a need, during the next 12 months, to debate the time that the higher tariff applied and also the desirability of increasing tariffs.

Members noted that in order to try and standardise conditions between Hackney Carriages and Private Hire changes had been proposed to the licensing conditions of both groups. The main area of change was that licences would be granted for three years instead of annually. Other changes included for both groups were:

- In relation to CRB checks a processing fee would be charged for each application;
- Where a booking was made by telephone or by prior arrangement a booking charge may be made;
- Drivers may claim exemption from wearing seatbelts if plying for, or actually carrying passengers on hire, but this would not apply whilst driving to and from home or office;
- Due to Government legislation Taxis must carry dogs used for seeing, hearing or assistance, whilst with the owner, free of charge;
- Drivers must disclose to the Council in writing, within seven days details of any convictions.

Members queried whether convictions covered fixed penalty notices or cautions. It was agreed that Councillor Hannon would ascertain this information and report back to the next meeting of the Licensing Committee.

LICENSING COMMITTEE – 14 March 2005 – MINUTES

The Chairman of the Licensing Committee commented that he had found recent dialogue with the Taxi and Private Hire Trade to be very useful. Although he was aware that there was a good dialogue between Council Officers and the Trade he thought it would be helpful if Members and the Trade met occasionally to exchange views and he would be discussing this further with the West Berkshire Hackney Carriage and Private Hire Operators' Association to come up with a suitable date.

RESOLVED that:

- (1) the principle of setting a maximum fare tariff be agreed;
- (2) the taxi tariff as set out in Appendix 5(b) be approved;
- (3) the changes to Hackney Carriage Drivers', Private Hire Vehicle Drivers'; and Private Hire Vehicle Proprietors' Explanatory Guidance Notes and Licence Conditions, as set out in Appendix 5(f), 5(g) and 5(h), be approved.

(The meeting commenced at 6.30 p.m. and closed at 7.05 p.m.)

CHAIRMAN

Date of Signature:

