



February 12 2018

### **Licensing Committee Meeting - March 2018**

In order to ensure that all Brighton & Hove Licensed Operators running a fleet of 10+ vehicles have the responsibility of providing WAV's on demand and that all such Operators are treated equally the GMB Brighton & Hove Taxi Section requests that the following is placed on the Agenda for the Licensing Committee Meeting in March 2018 for Councillors consideration.

### **WAV Percentage for Brighton & Hove Licensed Operators**

#### **Current Condition**

**70.4** To ensure disabled passengers in wheelchairs receive an equal service any Operator operating **100** or more vehicles must ensure that at least 20% of their vehicles are wheelchair accessible

#### **Proposed Amendment**

**70.4** To ensure disabled passengers in wheelchairs receive an equal service any Operator operating **10** or more vehicles must ensure that at least 20% of their vehicles are wheelchair accessible

#### **Background**

In 2015 the GMB... backed by the trade reps... made a proposal that all Licensed Operators with a fleet of **10+** vehicles undertook equal responsibility to provide WAV's to wheelchair users who wished to make a booking for one by ensuring that such Operators were 20% WAV compliant.

It is irrelevant whether the Licensed Operator has a fleet of only private hire cars or only hackney carriages or a mix of the two. Or whether the Licensed Operator is phone based.. online based.. or App based. All Licensed Operators consisting of a fleet of **10+** vehicles must be treated equally by the council.

Any Brighton & Hove Licensed Operator wishing to hold such a licence should be fully prepared to serve people who are wheelchair users in the city.

As far as the trade was concerned this proposal was presented to the Licensing Committee in November 2015 stating the figure of **10** when the Blue Book 4<sup>th</sup> Revision was on the Agenda at that time.

It was not until after the Blue Book 4<sup>th</sup> Revision was printed up some months later at a Trade Meeting that I noticed that the figure of **10** was changed to **100** and I considered this a simple typo,

I contacted Martin Seymour of the HCO who confirmed it was not a typo and the following shows the correspondence between us:

**From:** Andrew Peters [mailto:andrewpeters85@googlemail.com]  
**Sent:** 26 October 2016 11:47 PM  
**To:** Martin Seymour; Jim Whitelegg; Jacqueline O'Quinn  
**Cc:** 'Mick Hildreth'; [betterjon@hotmail.com](mailto:betterjon@hotmail.com); 'Andy Cheesman'; 'Tony Breslin'; 'Directors'  
**Subject:** Blue Book Typo

Dear Martin

Further to the meeting on Wednesday where I quoted the Blue Book V4 stating:

**'Procedure for Licensing a Private Hire Operator'**

44 Section 70.4

*"To ensure disabled passengers in wheelchairs receive an equal service any Operator operating 100 or more vehicles must ensure that at least 20% of their vehicles are wheelchair accessible."*

Whilst reading this it occurred to me that this figure of '100' was a typo because this condition was proposed by the GMB.

I have now looked at the Draft that you sent me.. which is enclosed.. and the figure stated there is '10' which is what the GMB proposed.

Could you kindly confirm the figure should indeed be '10' as per the supplied Draft and not '100' as shown in the Blue Book v4

Thank you

With regards

Andrew Peters  
 Secretary  
 GMB Brighton & Hove taxi Section

**From:** Martin Seymour [mailto:Martin.Seymour@brighton-hove.gcsx.gov.uk]  
**Sent:** 27 October 2016 09:28  
**To:** Andrew Peters; Jim Whitelegg; Jacqueline O'Quinn  
**Cc:** 'Mick Hildreth'; [betterjon@hotmail.com](mailto:betterjon@hotmail.com); 'Andy Cheesman'; 'Tony Breslin'; 'Directors'  
**Subject:** RE: Blue Book Typo protect

Hi Andrew

100 is not an error but what the Council decided was a reasonable starting number bearing in mind that only 13% of the PH fleet is wheelchair accessible and some existing operators could not comply.

Martin

Having checked the Minutes of the November 2015 Licensing Meeting I have not found anything that mentions any reason as to why that the figure of **10** was changed to **100** as explained in the correspondence to me.

To date nothing has been shown to the trade that provides proof that there was any open debate' between councilors that change the figure from '**10**' to '**100**' taking place as nothing is minuted showing this important alteration and I am very happy to still be provided with evidence to substantiate this should it be available.

What I did find was that the draft Blue Book 4<sup>th</sup> Revision that was presented to the council **already** had the figure of '**100**' showing. In this respect I cannot see that the figure of '**10**' was ever offered to the Licensing Committee for debate in the first place so I cannot see how this was explained to me as *"....what the Council decided was a reasonable starting number...."*

Importantly at no time was this alteration from '**10**' to '**100**' ever reported back to the Trade Forum and I seriously question the way this matter has been handled as this renders the Taxi Trade Forum meetings as irrelevant.

**Question1:** Was there a private meeting between councilors that resulted in the change of the figure of ‘10’ to ‘100’ prior to the Draft Blue Book 4<sup>th</sup> Revision being printed in the Agenda for presentation for the Licensing Meeting in November 2015?

**Question 2:** If there were no Councilors involved in the change of the figure of ‘10’ to ‘100’ then who took the decision to change this when Draft Blue Book 4<sup>th</sup> Revision as presented in the Agenda for the Licensing Meeting in November 2015?

I now refer to other ‘Conditions of Licensing’ that all Operators have to comply with which refers to the \*Equalities Act 2010 \*\*Disability requirement being acknowledged and met \*\*\*Operator responding to request for appropriate vehicle \*\*\*\*Disability Monitoring information

## Part F

### Procedure for Licensing a Private Hire Operator

#### 70. General

**70.1** Operators must be licensed in the same district as the district in which they have their office, and only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence.

**70.2** Anyone who makes provision for the invitation or acceptance of bookings for a private hire vehicle must hold an operator’s licence, (with the exception of those who only operate vehicles covered by section 75 of the Act of 1976). This means that any individual (group or company) which advertises the services of any private hire vehicle with the services of a driver for hire and reward, or has a mobile telephone, smart phone app or pager which is carried within a licensed vehicle then that driver and vehicle have made provision for the acceptance of bookings for hire and reward and will be required to hold a private hire operator’s licence.

**70.3 Brighton and Hove City Council are subject to duties under the \*Equalities Act 2010 which includes the duties to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.**

**In relation to the Hackney and Private Hire as the licensing authority we are wishing to ensure that the needs and \*\*requirements of those with a disability are being acknowledged and met.**

Primary issues for the Council to take note of are:

- Mobility – this is being addressed by the introduction of wheelchair accessible cabs. It is noted that certain service users who may have mobility issues still prefer old style saloon cars. \*\*\* **An Operator should be able to respond as appropriate where a particular type is requested**
- Visual impairment - drivers to be aware that greater assistance will be required. As per the detail already included in this document.
- Hearing impaired – note should be taken that those with hearing difficulties should wherever possible be provided with a text service.
- Awareness of those with mental health issues.
- Awareness of those with learning disabilities.
- Training for drivers on disability awareness for instance not assuming that because someone is slurring speech that they are drunk as opposed to having neurological disorder.

**70.4** To ensure disabled passengers in wheelchairs receive an equal service any Operator operating 100 or more vehicles must ensure that at least 20% of their vehicles are wheelchair accessible. (This to be amended as shown)

**70.5 \*\*\*\*It is a requirement that the operators can on request provide monitoring information. What is required are figures on the numbers of journeys undertaken by those with an obvious disability or where one has been declared – personal information is not required. In addition where there has been an issue around a disability the details of that issue and what if any steps were taken to address that and prevent its reoccurrence.**

This information will be required to be provided annually. Failure to do so may result in an Operators Licence being suspended or revoked

The trade now hopes that when taking all of this information into consideration that the Licensing Committee will now revert the current figure of **100** back to the original figure of **10** as supported by the trade in 2015 to ensure that all such Licensed Operators are 20% WAV compliant and have equal responsibility to wheelchair users in the city.

However... taking this further it has been stated that this matter should only be referred to at the next Unmet Demand Survey in 2018

**Important Point:**

**By virtue of its licence an ‘Operator’ controls private hire cars and as such the activities of an ‘Operator’ has absolutely nothing to do with hackney carriages thus nothing to do with the Unmet Demand Survey so the Condition at 70.4 for WAV percentages should be treated entirely separately.**

It is very important to keep in mind that an Unmet Demand Survey is there to calculate the number of hackney carriages available to the public in the street and on ranks and nothing to do with private hire companies.

The process of assessing the availability of WAV’s from an Operator/ Private Hire Cab Company is nothing to do with the calculation of the amount of hackney carriages by virtue of the fact that in essence an Operator operates private hire vehicles

Nonetheless all hackney carriage Unmet Demand Surveys that have been undertaken over the years takes into account ‘Mystery Shopping’ which entails the contacting of an Operator/Private Hire Cab Company to assess availability of WAV’s.

This should never take place and such contacting via ‘Mystery Shopping’ of Private Hire Companies to assess hackney carriage WAV numbers does not equate to any factor in an Unmet Demand Survey.

This important point has already be shared with Ian Millership who is undertaking the 2018 UDS.

Yet whilst there are very strong reasons not to include ‘Mystery Shopping’ of Private Hire Companies for WAV availability it is very much doubted that the council will make any changes for the next planned Unmet Demand Survey in 2018.

However what the council can do is ensure that all Brighton & Hove Private Hire Operators running fleets of **10+** vehicles are 20% WAV compliant.

If the council does not support this requirement then such ‘Mystery Shopping’ of Private Hire Cab Companies for WAV availability should be excluded from the next Unmet Demand Survey

I am very happy to answer any questions should the need arise.

Andrew Peters  
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