

## APPENDIX A

### Equality Review of taxi / private hire vehicle licensing

Report prepared for Head of Environmental Health & Licensing, Brighton & Hove City Council, to review the effectiveness of taxi/private hire services in meeting the needs of our citizens, in particular disabled people, and to make recommendations for actions to address any adverse impact and/or to promote equality.

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## RECOMMENDATIONS

1. **Recommendation:** Once the relevant Commencement Order is published, that the Committee support a city-wide publicity campaign to raise awareness of the new legislation, what it means for operators / drivers and what it means for the travelling public, in particular disabled people.
2. **Recommendation:** That the committee notes the current BTEC qualification will not be available to new applicants after 30<sup>th</sup> September 2010 and approves the replacement entry-level qualification for new drivers.
3. **Recommendation:** That the HCO, working in partnership with the Federation of Disabled People and other stakeholders, develop the framework for a Certificate of Professional Competence, research providers, and report with firm proposals by the end of 2010.
4. **Recommendation:** That the HCO implement changes and improvements to the current complaints process to ensure that it is accessible and that all complainants are provided with clear, detailed responses.
5. **Recommendation:** That the Committee approve the maximum age limit for a WAV, be increased from 10 to 12 years, subject to it passing two vehicle tests per year.
6. **Recommendation:** That the Committee approve all new licences for private hire vehicles to be required to have an approved swivel seat fitted.
7. **Recommendation:** That the views and evidence provided by all contributing parties to this report, be brought to the attention of officers dealing with the school transport contracts.
8. **Recommendation:** All new and transferred licences for taxis should be for side-loading wheelchair accessible vehicles with M1 ECWVTA and include features to cater for those passengers with reduced mobility, vision and hearing.
9. **Recommendation:** That the Committee approves that CCTV approved by the Director is installed in all newly licensed vehicles.

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10. **Recommendation:** That the Committee approve a pilot scheme initially for one-year, to publish contact details of WAV drivers prepared to take bookings, and where an operator's licence is required for a single vehicle, that operator's licence is provided free of charge.
11. **Recommendation:** That the Committee support the promotion of accessible taxi/PHV services targeted at taxi voucher recipients in January 2011.
12. **Recommendation:** That the Committee, in support of National Customer Service week , encourage the taxi/PHV trade to make a WAV available in Barts Square to demonstrate access features - step, ramps, induction loop, high-viz handles etc.
13. **Recommendation:** That the Committee supports in principle a Star Rating for operators, the detail to be developed by the HCO in partnership with the Federation of Disabled People.
14. **Recommendation:** That the Committee ask the Federation of Disabled People to make a detailed proposal as to how they would envisage undertaking 'mystery shopping' setting out any costs that might be incurred.
15. **Recommendation:** That the Committee require 'Right to Work' checks carried out on application for drivers' licences.

## Introduction

Taxis/Private Hire Vehicles (PHVs) play a vital role in the transport system helping disabled people travel to jobs, services, education and social networks. For some, taxis/PHVs provide their only opportunity to travel, and their route to social inclusion.

National research shows that disabled consumers, not just wheelchair users, use taxi/PHV services differently when compared to the population as a whole. Disabled people are more likely to use these services for the essential activities of life. (80% of disabled people use taxi/PHV services to attend medical appointments in contrast to 7% in the general population.)

Disabled people nationally identify 'accessible transport' as their number one priority.

Whilst the Halcrow Unmet Demand Survey (2009) provides a significant amount of useful information, data relating to local disabled people, wheelchair users and their transport needs, is inadequate. For instance, it is impossible to establish how many wheelchair users there are resident in the city.

Nationally almost 20% of the population are disabled with between 4% and 8% of disabled people regularly using wheelchairs.

Halcrow also found that wheelchair-users had to wait approximately four times longer than non-wheelchair users for a vehicle, and that the city would need over 400 more Wheelchair Accessible Vehicles (WAVs) in order to provide the same level of service to all passengers. This situation would be even worse if it were not for the excellent service provided by the city's community transport.

Over the last five years the Licensing Committee has tried to carry out a balancing act of delivering the needed changes, while ensuring that the trade remains viable. Actions have included:

- releasing taxi plates to WAVs only
- requiring these WAVs to be attached to a circuit (over 30 vehicles)
- requiring PHVs that seat over 4 passengers to be WAVs
- introducing compulsory training for drivers prior to application for their first licence.

This Equalities Review explores how to improve access to taxis/PHVs for disabled people in Brighton & Hove, to ensure that they, in turn, might be able to have greater access and equality of opportunity. All parts of the trade have made contributions to the Review and, most importantly, disabled people have shared their experiences and positive suggestions for improvement.

## Legislative Framework

The authority for licensing vehicles, drivers and operators is derived from The Local Government (Miscellaneous Provisions) Act 1976 Part 11 (Sec 45), The Town Police Clauses Act 1847 (Sec 68) and the Public Health Act 1875 (Sec 171). The requirements of this legislation are set out in the council's policy document, The Hackney Carriage & Private Hire Handbook. ("The Blue Book.")

## Disability Discrimination Act 1995 (DDA) as amended 2005

This also includes the statutory Codes of Practice –

- Provision & Use of Transport Vehicles
- Rights of Access, Services to the Public, Public Authority Functions, Private Clubs & Premises
- The Duty to Promote Disability Equality

The legislation and the Codes of Practice can be viewed at:

<http://www.equalityhumanrights.com/our-job/what-we-do/our-business-plan/disability-equality/>

## The DDA and Public Sector Authorities

The Disability Discrimination Act 1995 was amended in 2005 to introduce the public sector Disability Equality Duty (Sec 49A).

The council now has a statutory duty, when exercising its functions (eg taxi licensing), to have due regard to the need to ...

- eliminate harassment of, and unlawful discrimination against disabled people
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life

- promote equality of opportunity between disabled people and non-disabled people
- take steps to meet disabled people's needs, even if this requires more favourable treatment

In addition, the council is required to 'involve' disabled people (not merely consult), in the development of a Disability Equality Scheme. It was during this involvement process that members of the Brighton & Hove Federation of Disabled People identified taxi/PHV licensing as a priority issue.

Another 2005 amendment to the DDA (Sec 21E) imposes on public authorities carrying out functions (eg licensing), duties equivalent to those imposed on service providers. In broad terms, this puts public authorities under a duty to make reasonable adjustments for disabled people where they are, by reason of disability, disadvantaged in some way by, or in relation to, the carrying-out of the function.

This rather complicated piece of legislation was successfully used by a member of the public at the High Court in July 2009, to challenge a taxi licensing decision made by Liverpool City Council when they declined to license a particular type of WAV.

(An account of this case can be read at:  
[http://www.bindmans.com/fileadmin/bindmans/user/News\\_stories\\_-\\_PDFs/R\\_Lunt\\_and\\_Allied\\_v\\_Liverpool\\_CC\\_briefing.pdf](http://www.bindmans.com/fileadmin/bindmans/user/News_stories_-_PDFs/R_Lunt_and_Allied_v_Liverpool_CC_briefing.pdf))

The Race Relations (Amendment) Act 2000 and The Equality Act 2006 include similar provisions giving public authorities statutory duties to promote equality and eliminate harassment and discrimination. Further details can be found in the council's single Equality Scheme.

[http://www.brighton-hove.gov.uk/downloads/bhcc/equalities/BHCC\\_SES\\_Final\\_Apr10\\_hyperlink\\_version.pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/equalities/BHCC_SES_Final_Apr10_hyperlink_version.pdf)

## The DDA and Transport Service Providers

Also in 2005, Part 3 of the DDA relating to service provision, and Part 5 relating to public transport, were amended. To ensure no one faces discrimination or disadvantage when travelling, service providers of licensed taxis and PHVs are now legally obliged to consider their policies, practices and procedures.

As well as the infrastructure and support services needed to provide the transport, everybody involved is affected. It does not matter whether the services in question are being provided by a sole operator, company or other organisation, or whether the person involved in providing the service is self-employed or an employee, contractor or agent.

A disabled person may be unlawfully discriminated against if a transport provider –

- refuses to provide (or deliberately does not provide) any service which it offers to members of the public, or
- provides a service of a lower standard or in a worse manner, or
- provides the service on worse terms, or
- fails to comply with a duty to make reasonable adjustments if that failure has the effect of making it impossible or unreasonably difficult for the disabled person to use the service.

Transport providers are also subject to provisions covering the aiding of unlawful acts.

## Equality Act 2010 and its possible implications

This legislation replaces, updates and clarifies previous equality legislation including the DDA. The main provisions of the Equality Act should be introduced in October 2010 although no Commencement Orders have been published (as at June 11<sup>th</sup>). The new public sector Equality Duties are timetabled to commence in April 2011.

It should be noted that the DDA, the public sector equality duty, and the Codes of Practice remain in force until they are revoked.

The Head of Taxi and Accessibility Policy Branch at the Department for Transport (DfT) stated in an e-mail "The Department is currently working on the provisions contained in the Equality Act. I am unable to be clear on timescales at this point however we hope to have the provisions in place as soon as is possible."

Some sections of the new Act (explained below) apply specifically to taxis/PHVs and can be viewed at:

[http://www.opsi.gov.uk/acts/acts2010/ukpga\\_20100015\\_en\\_17](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_17))

**Sec 160:** Gives power for the Secretary of State to make Regulations specifying the technical standards applying to licensed taxis and imposing Regulations on drivers to enable disabled people to access taxis safely, even when seated in a wheelchair, and to be carried in safety and reasonable comfort. (So – it could be an offence for a WAV taxi driver not to comply with a requirement to have a ramp and safety straps for a wheelchair user, or to carry a wheelchair user who is not properly positioned or secured.)

**Sec161:** The licensing authority cannot refuse to license a WAV on the grounds of controlling taxi numbers as the council does now with its 'managed growth policy,' if the proportion of WAVs is smaller than the proportion prescribed in Regulations by the Secretary of State.

The "proportion prescribed" is not known at this stage but the Department for Transport's Equality Impact Assessment, suggests 50% WAVs in the taxi fleet. The city currently has approx 530 taxis, approx 126 being WAVs. In theory, to achieve 50% WAV fleet, the council could be required to release 400 new plates! There are currently over 100 people on the Hackney Carriage Office waiting list.

Research conducted by the Office of Fair Trading and others, seems to suggest that when licensing authorities abandon quantity-regulation, there is an increase of approx 30% taxis. This leads to a driver waiting time significantly greater than the reduction in passenger waiting times. The result is either a lower income for drivers or longer working hours, coupled with a drop in the plate premium for existing plate-holders.

Initially, as Halcrow found, the city could expect a significant number of PHV WAVs applying for plates, but making little difference to the total number of WAVs available to disabled people.

Whilst increasing the number of WAVs should make it more likely that a vehicle is available for a wheelchair user, without appropriate operating practices, disability awareness of drivers, and effective enforcement, numbers alone will not deliver an improved service.



**Sec 162:** This relates to franchise agreements between operators of transport facilities (eg Brighton Railway Station) and taxi/PHV operators requiring vehicles/drivers to ensure accessibility for disabled people.

**Sec 163:** Prevents a licensing authority granting a taxi vehicle licence *unless* the vehicle complies with Sec 160 (ie a WAV).

Renewals of vehicles already licensed (within the previous 28 days) are exempt. However, the Secretary of State has the power to impose an end-date to this exemption, which could be applied differently in different licensing areas.

This would lead to a 100% WAV taxi fleet over a period of years. It may possibly lead to taxi drivers transferring to PHVs because the cost of purchasing expensive accessible taxis may make the business unprofitable.

London has had a 100% WAV taxi fleet for some years, yet wheelchair users are still complaining that taxi drivers do not stop for them and go to some lengths to avoid picking them up.

**Sec164:** The Secretary of State may make Regulations allowing a licensing authority to apply for an exemption from Sec 163 only if Sec 163 would reduce the number of taxis to an unacceptable level. The authority would need "to undertake consultation, publish the outcome and take account of representation."

Before deciding whether or not to grant/refuse the application, the Secretary of State is required to consult the Disabled Persons Transport Advisory Committee (DPTAC – a ministerial advisory group) and 'any other appropriate persons.' Where an exemption is given from the full accessibility requirements, taxis may instead be required to be fitted with swivel seats and to conform to any safety conditions when such seats are in use.

**Sec 165:** Imposes duties on drivers of designated taxis/PHVs to carry wheelchair users at no additional charge, in safety and reasonable comfort, and to provide reasonable assistance. It also requires them to carry a wheelchair if the passenger chooses to sit in a passenger seat.

This applies to drivers of 'designated' vehicles – see Sec 167. Refusal by such a driver is an offence. NB No mention of 'operators'.

**Sec 166:** The Secretary of State may make Regulations which allow the licensing authority to exempt a driver from the duties in Sec 165 due to a medical or physical condition. The exemption certificate must be displayed in the vehicle.

**Sec 167:** Permits a licensing authority to maintain a list of WAV taxis/PHVs. If the authority wishes it may list just those vehicles that also hold a special licence to operate a local bus service. Until the city has 100% WAV taxis, it would seem sensible to keep such a list.

Drivers of these designated WAVs must comply with Sec 165.

**Sec 168:** Taxis must carry assistance dogs and allow them to remain *with* the passenger without making any additional charge.

The licensing authority is entitled to consider the physical characteristics of any vehicle being driven. (eg a driver with a medical condition may be able to carry an assistance dog in a London-type taxi with a screen between the driver and the dog, but not in a saloon.)

**Sec 169:** Taxi drivers can seek exemption certificates if they cannot carry an assistance dog on medical grounds or the vehicle is not suitable for the carriage of assistance dogs. The exemption certificate must be displayed on the taxi, as now.

(NB No exemption on grounds of religion or belief, as now.)

**Sec 170:** PHVs – similar obligations placed on PHV drivers and operators to carry assistance dogs.

**Sec 171:** PHVs – similar obligations placed on PHV drivers re exemption certificates.

**Sec 172:** Allows appeals against the refusal of a medical exemption. It also enables the owner of a taxi/PHV to appeal the licensing authority's decision to list his/her vehicle as a 'designated WAV' on the grounds that it is not accessible.

On an intellectual level, members of the trade understand and support the underlying aims of the Equality Act – to improve transport options for disabled people. However, on an emotional level, there are genuine and growing concerns that livelihoods will be adversely affected if the council are required to release a substantial number of taxi plates.

Stakeholders have identified a range of potential impacts caused by the Equality Act from rank over-crowding, to extra workload for the HCO.

**Recommendation 1:** Once the relevant Commencement Order is published, that the Committee support a city-wide publicity campaign to raise awareness of the new legislation, what it means for operators / drivers and what it means for the travelling public, in particular disabled people.

## Issues identified by local Disabled People

Disabled people were generally supportive of the taxi trade in Brighton & Hove and felt that the city had a really high standard of taxi/PHV service. There were numerous stories involving acts of kindness and consideration with people reporting that, very often, it was the sheer goodwill of taxi/PHV drivers that enabled them to travel and enjoy living in the city.

However, they identified several barriers to accessing taxi/PHV services, many of them long-standing issues which have been raised before, and which have a significant adverse impact on disabled people's lives.

These barriers tend to fall into 3 categories:

### Physical Barriers - *examples*

- Availability of wheelchair accessible vehicles (WAVs) especially at peak times of day (school start times/late evening at weekends)
- Availability of WAVs that can accommodate a range of modern wheelchairs (larger than the 'reference' wheelchair)
- Ambulatory disabled people (in particular blind and partially sighted people) and some wheelchair users, struggling with WAVs and preferring saloons
- Drivers not skilled in the use of assistive equipment – ramps/straps etc

### Organisational Barriers - *examples*

- Operators not taking advanced bookings for WAVs
- Complaints not being dealt with efficiently and effectively (including those made to the HCO)
- BHCC support walking/cycling/buses/car club, but appear unaware of the importance of taxis/PHVs to disabled people
- Taxi Vouchers not sufficiently promoted/advertised

### Attitudinal/behavioural Barriers - *examples*

- Drivers refusing wheelchair users or assistance dogs at pick-up
- Ambulatory disabled people and drivers unaware of swivel seats, steps, induction loops in vehicles and how to use them
- Inappropriate conversation by drivers – poor disability etiquette
- Lack of awareness around the type of assistance that might be required & the impact poor service has on disabled people's lives

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## Assessments and training

1 Before the first issue of a taxi or PHV driver's licence, the council require applicants to undertake the Driving Standards Agency (DSA) taxi assessment, the Edexcel BTEC level 2 award in Transporting Passengers by Taxi and Private Hire, and a topographical knowledge test.

1.1 Since March 2010, proprietors of vehicles have been required to ensure that all drivers are trained to assist wheelchair users in and out of the vehicle, and to carry them safely. Proprietors must be able to demonstrate, on demand, that training has been provided.

### DSA Assessments

2 The DSA taxi assessment covers the Highway Code, traffic signs and cabology.

2.1 For an additional £26 it is possible to do the DSA Wheelchair Exercise which requires drivers to demonstrate competence around erecting ramps and safely installing a wheelchair and occupant in a WAV, ensuring that both are secured, and then reversing the process. (The Wheelchair Exercise may be carried out at the DSA testing centre in Eastbourne but not Burgess Hill.)

2.2 It would be inappropriate for the council to require all new drivers to undertake the Wheelchair Exercise as not all will drive a WAV. In addition, we are unable to apply conditions to taxi drivers' licences once they have been issued.

2.3 It is possible to introduce a condition to the *vehicle licence* of WAVs (both taxis and PHVs) that they are only driven by licensed drivers who have completed and passed the DSA Wheelchair Exercise. This issue would first need to be the subject of consultation at the Taxi Forum.

### BTEC - Transporting Passengers by taxi and private hire

3 The BTEC qualification is generally viewed as being suitable for individuals planning to become professional drivers. It includes customer service, legislation relating to drivers, vehicles and operators, transporting people and luggage safely, map reading and route planning, equality and diversity, and a module on disability awareness.

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3.1 This disability module covers the legislation, recognising impairments, providing sensitive assistance, removing barriers, safe restraining and stowage, and the different types of assistive equipment for taxis/PHVs.

3.2 The training, arranged by the HCO and provided by PDM Training & Consultancy Ltd, costs £250 plus VAT which includes 2 days training and course materials. Included in this is an English language, literacy and numeracy assessment, approved by GoSkills (the Sector Skills Council), in order to ensure that applicants will be able to derive full benefit from the course. Members of the HCO attend to confirm the identities of the students.

3.3 The arrangement involving PDM has proved controversial although it is important to stress that the company are highly regarded and no criticism has been made of the training they provide or the results achieved. Some members of the trade were under the impression that BTECs achieved elsewhere in the country or through other providers were not recognised by the council. Clearly, this cannot be the case.

3.4 Several members of the trade locally felt that, when enrolling on a nationally accredited course such as the BTEC, it should be for individuals to seek out their own training providers. These might also include the local knowledge schools where the trainers are able to pass their professionalism on to the new generation of drivers. (Clearly the knowledge schools and assessors would need a licence agreement from Edexcel before they would be able to offer the training.)

3.5 To complicate matters, the government is introducing the Qualifications and Credit Framework (QCF) which is a new framework for creating and accrediting vocational qualifications. The accreditation end date for the BTEC is 30<sup>th</sup> September 2010. This will be the last date that an applicant can register for the BTEC although they have until 30<sup>th</sup> September 2012 to complete the work.

3.6 The council's own professional drivers (the Children's Trust Departmental Transport Service) have recently completed an NVQ2 funded by Train to Gain and this has been mooted as a suitable replacement qualification for the BTEC. It covers safe and efficient driving, care of disabled and young passengers, health and safety, cleanliness, dealing with emergencies, route planning and fare collection.

3.7 However, the NVQ2 is an assessment suitable for those individuals *actually working as drivers* and not suitable for prospective drivers. In addition, there is some question as to whether funding will still be available. The cost (without funding) is approximately £900.

3.8 Edexcel, the Qualifications Body that offers the BTEC, have announced that there will be a replacement course/qualification available from October 2010 that will fit the new QCF.

3.9 The HCO has been contacted by the NPHA who have been working with GoSkills, the DfT, NALEO, and taxi/PHV trainers, to develop an entry-level Vocationally Related Qualification. Apparently, the DfT have asked for a vehicle maintenance section, a more robust disability awareness section and stronger emphasis and detail regarding the legislation.

**Recommendation 2:** That the committee notes the current BTEC qualification will not be available to new applicants after 30<sup>th</sup> September 2010 and approves the replacement entry-level qualification for new drivers.

## Disability Awareness Training

4 The GMB and the Federation of Disabled People strongly support the introduction of disability awareness training for drivers and staff employed by operators. Best practice in this field is that disability awareness training involves disabled people.

4.1 In their joint proposal they suggest that training must be 'of a required standard' but there is no readily available, trade-specific disability awareness training, save for the various modules that make up other qualifications (the BTEC or NVQ2) and a GoSkills DVD.

4.2 There is, however, a training framework prepared by the Disabled Persons Transport Advisory Committee which could provide ideas for a bespoke training package for taxi/PHV personnel in the city. It can be viewed at:

<http://dptac.independent.gov.uk/education/stafftraining/index.htm>

4.3 Recent research by Transport for London has revealed that taxi drivers in the capital (100% WAV) may not be clear about their obligations to disabled people, how to use the assistive equipment on their vehicles, and disability communication and etiquette. TfL are in the process of developing disability awareness training for all London cabbies.

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4.4 Other areas about to develop their own disability awareness training include Essex and York. It seems that there is an opportunity here for pulling this information together and developing a programme that would meet the needs of several licensing authorities including colleagues across Sussex.

4.5 First there needs to be an analysis of staff training requirements locally and some clear aims and objectives.

4.6 Brighton & Hove could then work towards its own Certificate of Professional Competence (CPC) for drivers/operators' staff. This could take the form of 3 modules – disability awareness, customer service and equality & diversity. Each person could complete the modules over a 3 year period – the time commitment being 3 7-hour days, preferably one day per year – the cost to each person would be in the region of £100 per day.

4.7 Because this would not be a nationally accredited course, to ensure quality and consistency, it would need to be delivered by one identified training provider.

4.8 The council are unable to put new conditions on established taxi drivers' licences so attendance for them would be voluntary, as it would be for operators' staff.

4.9 However, the training might be required as part of the conditions for new licenses and mandated for experienced taxi drivers following receipt of a complaint, or offered as an alternative to enforcement. The thinking behind this is that FPNs do not change attitude or behaviour – we want to improve standards for disabled people rather than punish individuals who are unaware that they may have caused offence.

**Recommendation 3:** That the HCO, working in partnership with the Federation of Disabled People and other stakeholders, develop the framework for a Certificate of Professional Competence, research providers, and report with firm proposals by the end of 2010.



## COMPLAINTS

5 Although only a very small number of disabled people consulted had actually complained to the operators or the HCO, all felt frustrated and disillusioned with the process. Their criticisms were that the process itself was confusing and inaccessible, cases took far too long to investigate with no regular updating, and there was no confidence that lessons would be learnt.

5.1 Those that were aware of the HCO complained that the council required them to make the complaint in writing by letter or e-mail. This would deter a significant number of people including those with learning disabilities or visual impairments. In fact, the HCO not only accepts complaints by other methods, but will assist a member of the public who finds the system inaccessible. However, this is not explicitly stated on the council's taxi licensing page on the website.

5.2 Members of the Federation of Disabled People felt that one element is frequently overlooked from complaints procedures generally, and that is the impact on the individual disabled person.

5.3 For instance, whilst it is irritating for anybody to see their taxi/PHV drive off before they can reach it, most of us have other options – walk, cycle, get the bus or train, drive ourselves, or get a lift. The Federation make the point that for a disabled person who does not have these options, the impact could be disastrous. They believe that without understanding the impact, complaints handlers might regard some of their complaints as really trivial.

5.4 The main cause of confusion was whether people should complain to the operator first or the HCO. Most said they would complain to the HCO if they did not get satisfaction from the operator.

5.5 One of the big operators had a particularly impressive complaints process and was able to show that his complaints were fully documented, investigated and resolved in a matter of days rather than weeks. His company complaints are subject to external audit every three months.

5.6 The other operators deal with low-level complaints in-house, but send the more serious complaints to the HCO for action. Concern was expressed that if the council do not deal with complaints effectively, it would adversely affect the operator's reputation and business.

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5.7 The GMB have an interest in ensuring transparency and fairness in the complaints system not just on behalf of individual members, but to demonstrate to the public that drivers are skilled professionals. They too are calling for changes to the current procedure.

5.8 The complaints process needs to be brought into line with other complaints standards used across the council and be customer focused, objective and used to inform corrective action.

5.9 In order to monitor and evaluate changes made as a result of this Review, it would be useful to have complaints data relating to disability – that is disability-related complaints (eg refusal to carry assistance dog), as well as complainants who identify as DDA disabled (eg a disabled person complaining about a dirty vehicle).

**Recommendation 4:** That the HCO implement changes and improvements to the current complaints process to ensure that it is accessible and that all complainants are provided with clear, detailed responses.

## Vehicles

6 It is important that a disabled person should be able to hire a taxi on the spot with the minimum of delay or inconvenience. The city currently has 530 taxis, 126 of which are WAVs. (A lower proportion compared with many other authorities in England.) This is expected to change later in 2010.

6.1 Some disabled people do not attempt to hire a taxi in the street or on the ranks because they have had occasions when drivers refuse to take them, so they phone one of the operators. So long as they can travel from A to B, they do not care whether they get a taxi or a PHV.

6.2 Research published as recently as June 2010 by TfL, has found that even in London which has a 100% WAV taxi fleet, disability groups claim that drivers regularly fail to stop for disabled passengers. It appears that the numbers and types of vehicles available are not the only answer to the problem.

6.3 The PHV fleet consists of approximately 450 vehicles (although this number fluctuates) of which approximately 21 are WAVs. All new PHVs able to carry more than 4 passengers are required to be WAVs.

6.4 Several people consulted felt that there needed to be more WAVs in the PHV fleet especially as wheelchair users tended to phone an operator rather than hire a taxi. Vehicle costs were cited as the reason why most PHVs are saloons, that and the fact that drivers tend to use their vehicles for personal use. As a compromise, a suggestion was made that a swivel seat should be required in every new PHV.

6.5 The Halcrow report identified that an additional 428 WAVs linked to a radio circuit were needed if we were to eliminate discrepancies in waiting times for wheelchair users.

6.6 The GMB have suggested that an increase in the age limit on WAVs, from a maximum of 10 years to 12 years would improve the situation. They go on to suggest that WAVs over 10 years old could be subject to 2 council tests per year.

6.7 The present position is that vehicles over 10 years, if in exceptional condition as confirmed by the inspecting garage, can continue to be licensed now. Whilst the DfT advise against setting 'arbitrary age limits' they do go on to recommend greater frequency of testing for older vehicles.

6.8 Many disabled people, in particular blind/partially-sighted people, those with arthritis, back problems etc, make the point that an *accessible* vehicle is not just one that is *wheelchair accessible*. When it comes to access, disabled people have competing requirements, a point made by members of the Licensing Committee.

6.9 The complaints about WAVs are around the 'high step' into the vehicle, not being able to grip the handrails and having to manoeuvre whilst bent over, in order to reach the seat. Some people might find WAVs more accessible if they were aware of the additional step that can be utilised, or the swivel seats available in some vehicles.

6.10 Swivel seats may not be appropriate for lower limb amputees, and some visually impaired people simply feel safer in a saloon. Until there is a 'one size fits all' vehicle design, there is a strong case for ensuring there is a mixed fleet available.

6.11 Not all WAVs are able to accommodate the full range of modern wheelchairs – in particular the heavy chairs or those needing greater

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headroom. The range of wheelchairs approved by the Medical Devices Agency is vast and includes powered and manual wheelchairs. The Agency also approve a growing number of frames, 'walkers' and other mobility aids that passengers may want to carry with them.

6.12 Some disabled people worry about not being able to communicate with the driver and are unaware that all vehicles in the city have either intercom or a means of communication with the driver. Some of the newer WAVs have induction loops but disabled people are not confident that drivers understand the technology available in their own vehicles.

6.13 The RNIB have produced a free sign for blind or partially-sighted people to use, in order to hail a taxi in the street, but few disabled people and drivers recognise the design.

6.14 The RNIB also support a Tactile Plate System which, without screws, attaches a small plate with the vehicle number in Braille cells and Tiresias font, to just under the door handles (both internal and external). A blind or partially sighted person, on approaching the vehicle, can check that they are in fact getting into a taxi/PHV. If they need to know the taxi number when they are inside the vehicle, again they are able to read the tactile plate. (Attempts have been made to ascertain the cost of these plates – as yet no response.)

6.15 Disabled people would like drivers to ask if they need or want assistance especially as it became clear during the consultation that disabled people do not know about the various features found in the vehicles.

**Recommendation 5:** That the Committee approve the maximum age limit for a WAV, be increased from 10 to 12 years, subject to it passing two vehicle tests per year.

**Recommendation 6:** That the Committee approve all new licences for private hire vehicles to be required to have an approved swivel seat fitted.

## WAVs – Side Loading v. Rear Loading

7 DfT guidance issued February 2010 includes "best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible ..... and might usefully set down a range of general criteria leaving it open to the trade to put forward vehicles of their own choice ..... so there can be flexibility for new vehicle types to be readily

taken into account.” It goes on ..... “Licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle ...”

7.1 Strong local objections to rear loading WAVs come from the GMB and the Federation of Disabled People. They cite safety concerns, as do many other authoritative national organisations such as RADAR, SCOPE, Disabled Person’s Transport Advisory Committee and other bodies concerned with road safety.

7.2 The main objections are around wheelchair users being in the road when entering and leaving the vehicle, drivers not being confident around assisting the wheelchair user on/off the kerb, and passengers being seated in the ‘crumple zone’ near the back of the vehicle. They highlight other practical problems such as rear-loading vehicles blocking already scarce ramp space, and lack of alternative exits for wheelchair users, in the event of an accident.

7.3 There are concerns that when the Equality Act is implemented, preventing the council refusing taxi plates for WAVs until the numbers reach the ‘proportion prescribed,’ because rear-loading vehicles may be cheaper than side loaders, there may be a significant number of applicants and over time may lead the entire WAV fleet to be rear-loaders.

7.4 Supporters of rear loading WAVs point out that thousands of disabled people and special schools/charities have rear loading vehicles often bought on the Motobility scheme, and that driver fatigue is more of a safety issue than design of the vehicle. They claim that entering and leaving the vehicle is quicker than with a side loading vehicle and easier for the driver, especially when the vehicle is fitted with a lift.

7.5 Operators make the point that, because rear-loading vehicles tend to be cheaper to buy/run, it would follow that more WAVs would be put into service, thereby increasing the opportunities for travel to wheelchair users. In addition, several adjoining licensing authorities in Sussex license rear loading WAVs without problems.

7.6 There is a perception within the trade that BHCC (not just Licensing) is inconsistent in its approach to rear-loading WAVs and its support for local business. There have been calls for more ‘joined-up working.’ When city operators tender for the lucrative BHCC school transport contracts, they claim they are at a disadvantage because they are competing with operators licensed outside the city who operate the much cheaper rear-loading WAVs.

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7.7 Brighton and Hove operators claim that if they were permitted to license rear-loading WAVs, they would be better able to keep costs down and win BHCC contracts. They believe that this would help the economy in the city, provide more work for local drivers, reduce carbon emissions and, most importantly, increase the chances of wheelchair users having ready access to WAVs, even during the busy school-run periods.

7.8 It should be noted that individual children's journeys to school are risk assessed with many being picked up from driveways or designated bays outside their homes and taken straight to a school where the drop-off point is off-road. Drivers are provided with training and it is also likely that parents/carers will be in attendance at pick-up and drop-off. So, this type of journey is very different to plying for hire or general PHV work.

7.9 Earlier this year a Coroner called the head of licensing in Birmingham to give evidence at the inquest of a 14 year old wheelchair user who died from injuries sustained when the taxi in which she was travelling, braked. Whilst the issues in this case were safe use of the equipment and driver training, it highlights the need for councils to take all possible steps to ensure the safety of passengers in taxis/PHVs and to be prepared to justify decisions in courts.

7.10 The Licensing Committee will understand the limits of its authority in relation to the school transport contracts but may want to bring the issues raised by the trade to the attention of officers undertaking the Equality Impact Assessment on school transport provision as a matter of urgency.

**Recommendation 7:** That the views and evidence provided by all contributing parties to this report, be brought to the attention of officers dealing with the school transport contracts.

**Recommendation 8:** All new and transferred licences for taxis should be for side-loading wheelchair accessible vehicles with M1 ECWVTA and include features to cater for those passengers with reduced mobility, vision and hearing.

## CCTV

8 The council has already approved a CCTV system but its installation and use in vehicles is optional. The approved system provides continuous audio and visual recording when the ignition is on and records for a set time after the ignition has been turned off.

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8.1 Whilst there was some support for compulsory CCTV in vehicles, broadly speaking the response from drivers was lukewarm, especially the PHV drivers. One of the drivers' representatives explained that most of the PHV drivers use their vehicles for private purposes and want to be able to turn the system off.

8.2 Although the cost of CCTV was mentioned, this was not the over-riding objection. In fact, the GMB offer an affordable CCTV-hire package that includes a year membership of the union. An alternative system is offered by a local company charging approximately £70+VAT for installation, with a weekly charge of under £10.

8.3 Improving services for disabled people will necessitate all the partners working together, raising awareness, training, complaints handling, but as a last resort - enforcement. There is little point in government amending legislation to provide greater protection for disabled people if it is not enforceable.

8.4 The approved CCTV system will help the HCO identify those drivers who either fail to carry wheelchair users safely, or refuse to carry them at all.

8.5 It will also provide evidence in relation to other incidents or complaints. Supported by Sussex Police, it should lead to a greater sense of safety for both driver and passenger. 28% of people surveyed by Halcrow stated that CCTV would improve safety, and drivers reported to the survey team that they felt unsafe 'in certain parts of the city.'

**Recommendation 9:** That the Committee approves that CCTV approved by the Director is installed in all newly licensed vehicles.

### Operating practices

9 A criticism often heard from disabled people is that drivers on the circuits are not accepting wheelchair jobs and consequently wheelchair users have to wait some time for a vehicle, or they are asked to phone later.

9.1 This is not acceptable and potentially actionable. There is legislation in place already requiring all transport providers to ensure they provide an equitable service and it is unlawful to 'aid' an act of disability discrimination by another. It is essential, therefore, that operators do not allow their drivers to refuse wheelchair jobs routinely, save for the couple of drivers who have Medical Exemptions.

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9.2 The Licensing Committee has for several years only issued new taxi plates to WAVs. On one occasion 20 plates were issued on the understanding that these vehicles were attached to one of the operators' circuits. Operators who allow WAV drivers to 'opt out' of wheelchair jobs effectively undermine the Committee's efforts to improve the transport options for disabled people, and along with the drivers, may be in breach of the DDA.

9.3 Two of the major operators have software in place that requires the drivers to accept a job before they know it is a wheelchair run. They are able to identify any driver with a WAV who turns down wheelchair work, and would take action against him/her by removing them from the circuit.

9.4 The third company has a system that enables drivers to express a preference for the jobs they are willing to take, (eg wheelchair, shopping, child seat, more than 5 passengers etc) and this information is then entered on the company computer. It is possible, therefore, for a driver to obtain a taxi plate because they run a WAV, and then make a decision *not* to take wheelchair jobs.

9.5 The operator concerned is actively addressing this issue and is aware that when Secs 165 & 7 Equality Act 2010 are implemented, (designated lists of WAVs) drivers will be the subject of enforcement if they fail to carry wheelchair users, save for a very small number of drivers with medical exemptions.

9.6 On the positive side, this company operates an incentive scheme which pays £5 to WAV drivers who travel out of their area to pick up a wheelchair user. This had been an informal arrangement but a vote was taken at the organisation's AGM and is now permanent policy.

9.7 All the big operators allow people to specify 'saloons' when they book by phone. One company has, on average, approx. 30 customers per day requesting saloons, not WAVs. Another operator uses their software to note regular customers' vehicle preference.

9.8 Disabled people have also complained that they cannot book WAVs in advance, although the operators say they have been taking bookings for about 18 months.



9.9 A possible solution would be to publish a list of independent WAV drivers and their contact numbers so disabled people could phone them direct. (This list would probably not include the details of WAV drivers attached to a circuit primarily because there are strict protocols around the fair allocation of jobs and it is likely that the operators would remove them from the circuit.)

9.10 It is envisaged that the HCO would need to write to every independent WAV driver asking if they wanted to appear on a list which would need to be updated regularly. This list could be publicised via BHCC website, City News, Visit Brighton, Brighton & Hove Federation of Disabled People etc.

The list would look something like ...

Fred Bloggs	07111111111	After 2 pm	WAV/induction loop
John Brown	07222222222	Days only	WAV/Portslade area
Tom Smith	07333333333	Night driver	WAV/no dogs (medical exemption)

You may also book a WAV from:

- City 01273 ...
- Radio 01273 ...
- Streamline 01273 ...

*NB: The above-named companies have wheelchair accessible vehicles available and will accept BHCC taxi vouchers*

9.11 To take bookings over the phone, PHV drivers would need an operators' licence, and in addition to the licensing provisions to which they are already subject, they would need to answer the phone in the city, and keep very basic records of bookings for 6 months. (Date/time of booking/hire, collection point/destination and name if possible – to be produced on request.) Local Government (Miscellaneous Provisions) Act 1976.

**Recommendation 10:** That the committee approve a pilot scheme initially for one-year, to publish contact details of WAV drivers prepared to take bookings, and where an operator's licence is required for a single vehicle, that operator's licence is provided free of charge.

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## TAXI VOUCHERS

10 BHCC operates a discretionary taxi voucher scheme which provides £65 per year or £35 for applications made in the last 6 months of the financial year.

10.1 Taxi vouchers are only issued to those people who are unable to use the buses and, therefore, do not have a County Card. Whilst people can apply for vouchers at any time, the council send renewal letters in Jan/Feb asking voucher holders to confirm they still wish to receive vouchers and that they are still eligible.

10.2 This year the council have provided 1,411 people with taxi vouchers worth in the region of £90k. However, we anticipate that less than £60k will be redeemed, and this has been the pattern for several years.

10.3 Vouchers can be used to pay the 3 main operators in the city plus a couple of other operators based in Shoreham and Saltdean. For people living near the borders of the city, key destinations may be in one of the neighbouring authority areas and it may be more practical for disabled people to use operators based there.

10.4 Although concern was expressed by one operator that the council were in effect 'shrinking the city' by allowing out-of-town operators, only 6% of the vouchers redeemed go to companies outside Brighton & Hove. Any change to this system may disadvantage disabled people living on the outskirts of the city.

10.5 Officers managing taxi vouchers have offered to send promotional material to all voucher holders raising awareness of taxi/PHV services, and welcome the opportunity of working with the Federation of Disabled People on the content.

**Recommendation 11:** That the Committee support the promotion of accessible taxi/PHV services targeted at taxi voucher recipients in January 2011.

10.6 Officers would also like to raise awareness of what is available in terms of vouchers and vehicles, and let disabled people and professionals with an interest in disability, try things out. A suggestion has been made that in support of Customer Service week (4.10.10) a fully-equipped WAV is available in Barts Square. As this is an annual event, publicity in City News etc is already arranged.

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**Recommendation 12:** That the Committee, in support of National Customer Service week , encourage the taxi/PHV trade to make a WAV available in Barts Square to demonstrate access features - step, ramps, induction loop, high-viz handles etc.

### Star Rating for Operators

11 In order to recognise quality service provided by operators, the council in partnership with the Federation of Disabled People could award up to 3 'stars' to operators (of all sizes) who fulfil approximately 12 criteria agreed by the Licensing Committee. Operators could then display/advertise their star status following assessments from the HCO and the Federation.

11.1 The detail of the scheme and the criteria would need to be developed by the taxi forum including the Federation but it is envisaged that the criteria would focus on disability-related issues, customer service and complaints handling, and written in such a way that all operators licensed in the city could take part. Operators that fulfil all 12 criteria would be awarded 3 stars, 8 criteria would attract 2 stars, and so on.

11.2 Once the star ratings are awarded, these could be promoted on the Federation's website (which provides access information to disabled people visiting the city), and all the other locations disabled people use to obtain access information.

11.3 There may be economic benefits attached to this scheme as disabled people, their friends and families, increasingly take their business to disability-friendly organisations.

**Recommendation 13:** That the committee supports in principle a Star Rating for operators, the detail to be developed by the HCO in partnership with the Federation of Disabled People.

### Mystery Shopping

12 In their joint document, the GMB and the Federation have suggested that the licensing team carry out 'mystery shopping' in order to identify breaches of the DDA in particular those concerning wheelchair users.

12.1 Whilst this is an excellent idea, it may be more appropriate for disabled people themselves to undertake this task as they are better equipped to identify the problem areas. It could form part of the activity to support the Star Rating for Operators recommendation.

12.2 The licensing team already work under pressure and by involving them directly, it might be seen as 'stick' rather than 'carrot!' The council are always looking for ways to work collaboratively and in a positive way in order to promote equality and inclusion.

**Recommendation 14:** That the Committee ask the Federation of Disabled People to make a detailed proposal as to how they would envisage undertaking 'mystery shopping' setting out any costs that might be incurred.

## BHCC Policy on Taxi/PHV Licensing (The Blue Book)

The Licensing Committee have asked the Hackney Carriage Office to review and update the Blue Book. It would seem sensible to do this when the provisions of the Equality Act are clarified and the Secretary of State's guidance is published. (October 2010)

The following observations should be read in conjunction with the Blue Book:

The Book needs to include the Road Safety Act 2006, the most relevant section being 52 which enables BHCC to suspend/revoke a taxi/PHV driver's licence with immediate effect on safety grounds. (For example - when a wheelchair user is not carried safely.) This was adopted by the Licensing Committee in April 2007.

The Book should also include a paragraph to indicate that disabled people are not precluded from working as drivers. (eg "A disabled driver or somebody with a long-term health condition may become a licensed taxi driver (subject to our medical requirements) but may need to have their driving ability assessed independently. This may be in a suitably modified vehicle.")

Safeguarding Vulnerable Groups Act – It may be that taxi/PHV drivers will be subject to the new Vetting and Barring Scheme and will need to register with the Independent Safeguarding Authority at a cost of £65. Once known to the ISA, any information received on a driver will be passed immediately to the HCO. Full details and guidance will be available from the ISA website in July 2010.

1.2 Conditions of Fitness are now prescribed by the PCO, Transport for London. The current Conditions only allow nearside-loading WAVs and state that it is 'desirable' that there is also wheelchair access to the offside, but not essential.

29 "Wheelchair Bound" Passengers – would be regarded as offensive. Wheelchair-user is the preferred expression.

30/72/122.3 Assistance Dogs – will need to be re-written in accordance with the Equality Act.

91.3 & 130 The requirement to convert an EEC licence to a UK licence before application is made – possibly unlawful discrimination. The Community

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Driving Licence Regs 1996 allows full EEA licences to count towards qualification requirements for taxi/PHV drivers' licences. Similar provision now applies to N. Ireland drivers' licences. Courts in the EEA are now legally required to notify DVLA of endorsable offences and penalties.

The trade may want to encourage drivers to obtain the UK counterpart document, which creates a driver record at DVLA, as there are *advantages* for EEA licence holders. (Example: foreign licence holders cannot accept FPNs and have to attend court, thereby paying increased fines. Neither courts nor DVLA have the power to endorse a foreign driver's licence, so very harsh penalties may be awarded.)

92 Annual re-licensing of drivers - DfT claim not good practice. They quote undue burden on drivers and licensing authorities and recommend renewal at the legal maximum - 3 years. If drivers cannot afford the larger fee, they recommend the option of paying annually.

By removing the requirement to re-license every year for hundreds of drivers, it may free-up time for the HCO.

111 Appearance - "skirts and dresses of at least knee length" - needs updating.

138 Discrimination offences - clarify. Does this mean hate crime or offences aggravated by race, disability or sexual orientation? Convictions under Protection from Harassment Act?

145 Operators' premises - should be accessible as reasonably practicable.

151.1 Operators required to notify the council in writing of complaints against drivers. (See complaints.)

#### Guidance Notes for New Applicants

Suitability - update para 1 re UK driver's licence.

"Ethnic Monitoring" - update in accordance with City Inclusion Partnership guidance and include reason for monitoring. (One operator noted that a significant number of his drivers were dyslexic, autistic, diabetic etc - mostly hidden disabilities.) Monitoring for disability can raise awareness of the numbers of people who are DDA disabled but do not label themselves as such. Disability could be included when the HCO reports to the Licensing Committee on ethnicity.

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## Other Equality Issues

### Issue of taxi plates

Manchester City Council limited the issue of Plates and kept a list of applicants over a period of years, the main criterion being length of service as a driver. This was challenged in 2009 and the ET concluded that, given the male dominated profession, there was an intrinsic risk that length of service would put women at a particular disadvantage when compared with men. The ET found that length of service was not of inherent value to do the job and that the justification put forward by the council appeared to be purely a question of administrative ease. (*Brookes v Manchester City Council*)

The issue of women taxi drivers and plates was raised by a member of the public at one of the Federation's consultation events, Halcrow and previously at Licensing Committee. If the Equality Act proceeds as expected, the HCO may not have a waiting list for plates. The position should be monitored by the HCO, in particular to identify whether there is an increase in women drivers when the Equality Act is in force. This could be linked in with the annual reporting of BME drivers.

### Immigration

The DfT considers it appropriate for licensing authorities to check on an applicant's right to work and any work restrictions, before granting a taxi/PHV driver's licence. Individual applicants should be made aware that these checks are carried out.

Case specific information can be obtained from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY. (0208 196 3011)

Currently the HCO only asks for a National Insurance number. Some other licensing authorities have started checking established drivers and have identified somebody in the country illegally. (*Gosport*)

The Licensing Committee may want a policy on background checks for applicants elsewhere in the EU and overseas countries. An approach recommended by the DfT is to require a certificate of good conduct authenticated by the relevant embassy. The CRB gives information about obtaining certificates of good conduct, or similar documents, from a number of countries. [www.crb.gov.uk](http://www.crb.gov.uk)

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**Recommendation 15:** That the Committee require 'Right to Work' checks carried out on application for drivers' licences.



**GMB Professional Drivers Branch (PDB) and the Brighton and Hove Federation of Disabled People's proposals/recommendations to address the substandard service, and unlawful breaches of the DDA, by the Brighton and Hove Taxi and Private Hire trade, in relation to the supply of suitable vehicles to transport customers sitting in their wheelchairs.**

The GMB PDB having considered the current level of service, offered to customers needing suitable wheelchair accessible vehicles (WAVs), are recommending a number of proposals that we believe will finally address the on-going problem of insufficient suitable vehicles for customers requiring WAVs. The GMB PDB are also offering recommendations that will help all those working in the Taxi and Private Hire trade become more disabled friendly, thus helping all those in the trade adhere to the duties placed on them by the DDA.

Our proposals are three stranded, immediate action required, short term action required, and longer term action required. However if all our proposals are excepted we believe the current lack of available WAVs will be no-more, and in time the level of service received by customers requiring WAVs, will be on a par with the service provided to the general customer base.

**Long term action (up to seven years from adoption)**

In line with the current amendment going through parliament (Equality Bill), the GMB PDB believe that a council, such as Brighton and Hove, that restricts the number of taxis licensed will have to move to a 100% WAV taxi fleet. Other options that the Equality Bill offers, such as 100s of more taxis licensed, or total deregulation of the taxi fleet, are not options the GMB PDB would support locally or nationally. Having a 100% WAV taxi fleet is by far the best long term option, and the PDB and the FED fully support this option. This will take up to seven years to allow those existing saloon taxis to operate until they have to change vehicles.

**Short term action (from three to five years)**

There are a number of short term options the PDB and FED believe will address the way the Brighton and Hove Taxi and Private Hire trade interact with all disabled customers.

- Disability awareness training to take place for all licensed Taxi and Private Hire drivers (existing and new). This training will have to meet a required standard.
- All drivers of Taxi and Private Hire WAVs to be fully trained to operate such vehicles. This training will have to meet a required standard.
- All drivers of Taxi and Private Hire WAV vehicles will have to produce a certificate to the operator, or the vehicle proprietor, or both, to confirm that they are fully trained in the assistance of wheelchair users including ramps, specific to said vehicle.
- All Taxi and Private Hire operators will be responsible for keeping up to date records of drivers correct vehicle type disabled training certificates.
- All Taxi and Private Hire operating staff to have full disability awareness training. This training will have to meet a required standard.

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- A comprehensive Taxi and Private Hire complaints procedure be implemented, which will provide a full audit trail between the council's licensing team, and Taxi and Private Hire operators. All complaints to be filled out on carbon copy 'Licensing Complaints' headed form. Copies to given to the licensing team, the driver, and the operator. The licensing team will then enforce where and when it sees fit.
- All Brighton and Hove Taxi and Private Hire operators to comply with all current DDA legislation. (An equal service has to be provided to all customers)
- To help make enforcement of the licensing objectives easier, and help clear up any complaints made by customers, CCTV (approved by licensing team) should become compulsory in all newly licensed vehicles.
- The licensing team should undertake 'Mystery Shops', including regular wheelchair jobs, to see that the procedures recommended, and DDA law, are being adhered to.
- The licensing team should make it clear that they will seek prosecutions, and/or revoke any license, including Taxi and Private Hire operators', if the DDA is not adhered to.
- All licensed Brighton and Hove Taxi and Private Hire operators to have a minimum of one third of its' total fleet WAVs (to be implemented in reasonable time frame).

### **Immediate action**

Whilst our proposals above will, in time, address the shortfall in suitable WAVs, and the way the trade interacts with disabled customers, the PDB and the FED also proposes a small number of recommendations that will help out almost immediately, until such time as our other proposals kick in. These proposals should be implemented without delay by the licensing committee.

- A website providing direct telephone numbers to Taxi and Private Hire drivers of WAV vehicles.
- Brighton and Hove City Council to reinstate five new taxi WAV plates a year, managed growth policy.
- Brighton and Hove City Council to issue twenty new taxi WAV plates; with a condition they join a Taxi or Private Hire circuit with over 50 cars.
- Brighton and Hove City Council to reduce the annual license fees for all Taxi and Private Hire WAVs.
- Brighton and Hove City Council to increase the age limit on Taxi and Private Hire WAVs, from a maximum of ten years to a maximum of twelve years. All WAVs over the age of ten years to be subject to two council tests per year.
- Any licensed Taxi and Private Hire operator providing a service to Brighton and Hove City Council must adhere to all the new requirements outlined in these proposals, and current driver and vehicle standards including any duties made on them by the DDA.
- That recommendations from the Taxi Review are implemented.

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