



# Licensing Committee

Mon 17 Jul  
2017  
7.00 pm

Committee Room Two  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

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**If you have any queries on this Agenda please contact  
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# Licensing Committee

Monday, 17th July, 2017

7.00 pm

Town Hall

## Agenda

### Membership:

Cllrs:

Pat Witherspoon  
(Chair)  
Andrew Fry (Vice-  
Chair)  
Tom Baker-Price  
Roger Bennett  
Natalie Brookes  
Anita Clayton

Pattie Hill  
Gay Hopkins  
Antonia Pulsford  
Rachael Smith  
Jennifer Wheeler

### 1. Apologies

### 2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

### 3. Minutes (Pages 1 - 12)

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 6th March 2017.

(Minutes attached)

### 4. Further consideration of the results of the earlier consultation on 'Improving Disabled People's Access to Redditch Taxi Fleets' Task Group (Pages 13 - 40)

### 5. Equality Act 2010 - Sections 165 to 167 Position Statement on the maintenance of a list of designated vehicles (Pages 41 - 62)

### 6. Licensing Annual Report 2016/2017 (Pages 63 - 68)

### 7. Licensing Committee Work Programme (Pages 69 - 70)

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## **Licensing Committee**

**Monday, 6 March 2017**

### **MINUTES**

#### **Present:**

Councillor Pat Witherspoon (Chair), Councillor Andrew Fry (Vice-Chair) and Councillors Natalie Brookes, Anita Clayton, Pattie Hill, Gay Hopkins, Gareth Prosser, Antonia Pulsford, Rachael Smith and Jennifer Wheeler

**Also Present:** (It was noted that there were three representatives from the Redditch Taxi Association in attendance in the public gallery).

#### **Officers:**

Timothy Bishop and Dave Etheridge

#### **Democratic Services Officer:**

Pauline Ross

Prior to the commencement of the meeting the Chair acknowledged and welcomed the three representatives from the Redditch Taxi Association.

#### **16. APOLOGIES**

Apologies for absence were received on behalf of Councillor Roger Bennett.

#### **17. DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### **18. MINUTES**

##### **RESOLVED that**

**the minutes of the meeting of the Licensing Committee held on 7th November July 2016 be confirmed as a correct record and signed by the Chair.**

.....  
Chair

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## 19. LEGISLATIVE UPDATE

Members received a report which detailed the recent changes in legislation that related to the Council's licensing functions and supplementary papers which detailed the Department of Transport, Statutory Guidance on Access for Wheelchair users to Taxis and Private Hire Vehicles.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and supplementary guidance and in doing so referred to the specific legislative changes to the Immigration Act 2016, the Police and Crime Act 2017, Section 165-167 of the Equality Act 2010 Taxi and Private Hire Passengers in Wheelchairs and Department for Environment, Food and Rural Affairs (DEFRA) Animal Licensing Proposals.

The Senior Licensing Practitioner, WRS, provided Members with information on each specific area as follows:-

**The Immigration Act 2016** received Royal Assent on 12th May 2016. The Act included provisions aimed at making it more difficult for people to live and work illegally in the United Kingdom (UK). Schedule 5 of the Immigration Act which came into effect on 1st December 2016, impacted on the Council's taxi and private hire licensing functions.

The new provisions meant that hackney carriage and private hire driver and operator licences must not be issued to people who were illegally present in the UK, who were not permitted to work, or who were permitted to work but were subject to a condition that prohibited them from holding such a licence. Appendix 1 to the report detailed the Home Office Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales.

The Senior Licensing Practitioner, WRS, further informed Members that Licensing Officers, WRS, had received training from the Home Office Immigration Enforcement Team on the new provisions and on increased document fraud awareness. Licensing Officers, WRS, were taking steps to ensure compliance with the new provisions introduced.

**Policing and Crime Act 2017** received Royal Assent on 31st January 2017. The Act contained provisions that would impact on both taxi licensing and the licensing of alcohol and late night refreshment under the Licensing Act 2003.

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A summary of the provisions that would affect the licensing regimes carried out by WRS on behalf of the Council were detailed at Appendix 2 to the report.

Licensing Officers, WRS, would carefully monitor the progress made towards the commencement of the licensing related provisions in the Act. Further information would be provided to Members as and when necessary.

**Section 165-167 of the Equality Act 2010 Taxi and Private Hire Passengers in Wheelchairs** would be implemented by the Department for Transport (DfT) with effect from 6th April 2017. From 6th April 2017 drivers of designated wheelchair accessible taxi and private hire vehicles would be obliged by law to:

- transport wheelchair users in their wheelchairs.
- provide passengers in wheelchairs with appropriate assistance.
- charge wheelchair users the same as non-wheelchair users.

The new rules would apply in England, Wales and Scotland affecting vehicles that were designated as wheelchair accessible and would apply to both taxis and private hire vehicles.

Drivers found to be discriminating against wheelchair users may be fined up to £1,000. Drivers could also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons would be able to apply for an exemption from the new rules.

Further updates in relation to the change in the law would be brought to the Licensing Committee later during the year.

Licensing Officers, WRS, would raise awareness amongst licensed drivers with regard to the introduction of the new law and how it could affect them.

**Animal Licensing Proposals (DEFRA).** During December 2015 and March 2016, DEFRA carried out a consultation with relevant stakeholders as part of a review of animal establishment licensing in England.

Having considered the responses received to the consultation, DEFRA has now published the following document “The review of animal establishments in England – Next steps”, as detailed at Appendix 3 to the report.

DEFRA were proposing to update and combine the current licensing regimes that regulated the sale of pet animals, dog and

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cat boarding, dog breeding and riding schools. These licensing functions were carried out by WRS on behalf of the Council.

Licensing Officer, WRS, would continue to monitor the progress of the review of animal establishment licensing in England, with further progress reports being provided to Licensing Committee Members when available.

### **RESOLVED that**

**The contents of the report on legislative updates, the appendices and supplementary papers be noted.**

### **20. WHEELCHAIR ACCESSIBLE VEHICLES - CONSULTATION RESULTS**

Following on from the Licensing Committee meeting held on 7th November 2016. Members received an update report on the consultation document produced by Worcestershire Regulatory Services on “Improving Disabled People’s Access to Redditch Taxi Fleets”.

The Senior Licensing Practitioner reminded Members that following the findings and recommendations of the Overview and Scrutiny Committee, Improving Disabled People’s Access to Redditch Taxi Fleets Task Group; Members had considered the recommendations of the Task Group at the Licensing Committee meeting held on 18th July 2016.

The Licensing Committee had agreed that the Task Group recommendations be approved subject to a minor amendment, as detailed at paragraph 3.7 in the report.

Following discussions with WRS and the Council’s Legal Services, WRS were advised that those recommendations that required amendments to the Council’s policies and those that involved licence holder’s contact details being published on the Council’s website would require further consultation with the relevant stakeholders.

A further consultation document was produced, as detailed at Appendix 1 to the report. During October 2016 the consultation document was distributed to all drivers and operators licensed by Redditch Borough Council and relevant stakeholders. Details of the consultation were also included on the Council’s website. The consultation was open for responses until 31st December 2016.

The Senior Licensing Practitioner highlighted that Members were being asked to consider the responses received to the additional



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consultation, a summary of which was detailed at Appendix 2 to the report and to consider which proposed amendments to the Council's Hackney Carriage and Private Hire Policies they wished to take forward.

The majority of respondents agreed with the Council's proposal to relax its policy on the licensing of vehicles as hackney carriages, so that instead of additional hackney carriages having to be 'brand new' wheelchair accessible vehicles, they could be wheelchair accessible vehicles that were up to six years of age.

A small minority of respondents agreed with the Council's proposal to amend its policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness training every three years.

A substantial majority of respondents agreed with the Council's proposal to amend its policy and conditions for the licensing of hackney carriage and private hire vehicles to require proprietors to display stickers in their vehicles which provided information for passengers on how to make complaints or pass on compliments.

Every single respondent agreed with the Council's proposal to publish a list on the Council's website of all taxi owners / operators who were able to provide a vehicle that was capable of carrying a passenger whilst they remained seated in their wheelchair.

The Senior Licensing Practitioner, WRS, drew Members' attention to the responses received from the Redditch Taxi Association (RTA), as detailed at Appendix 3 to the report.

The RTA had disagreed with the proposal to relax the Council's policy on the licensing of vehicles as hackney carriages, so that instead of additional hackney carriages having to be 'brand new' wheelchair accessible vehicles, they could be wheelchair accessible vehicles that were up to six years of age.

The RTA had also disagreed with the Council's proposal to amend its policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness training every three years. The RTA had stated in their response that drivers had unanimously rejected this amendment. Drivers had seen a decrease in their earnings over the last few years, so were concerned as to who would cover the cost of such training and courses.

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The RTA had agreed with the Council's proposal to amend its policy and conditions for the licensing of hackney carriage and private hire vehicles to require proprietors to display stickers in their vehicles which provided information for passengers on how to make complaints or pass on compliments. However, the RTA had suggested that such information should be included on the licence plates rather than on a separate sticker.

The RTA also made a number of other comments and suggestions in their response, which included the suggestion that an independent inquiry should be carried out before any decision was made to change Council policies.

The RTA had also highlighted that a number of drivers had not received the additional consultation so were unable to comment.

The Senior Licensing Practitioner, WRS, explained that the consultation document had been sent to all licensed drivers. The onus was on licensed drivers to ensure that WRS held all of their correct details, including their correct postal addresses. WRS would therefore need to be made aware of any drivers who had not received the consultation papers.

Members expressed their concerns with the low number of responses received to the consultation from relevant agencies. They were concerned that potentially not all of the relevant agencies and stakeholders had been consulted with.

The Senior Licensing Practitioner, WRS, responded to a number of questions from Members and in doing so highlighted that he had liaised with the Council's Engagement and Equalities Advisor with regard to the relevant agencies and stakeholders to forward the consultation document to.

Having expressed their concerns, Members agreed that the Recommendation, as detailed at paragraph 2 in the report, be amended in order that the revised consultation document, as detailed at Appendix 2 to the report, be distributed to any identified licensed drivers and agencies not included in the original consultation process.

The Senior Licensing Practitioner, WRS, responded to further questions from Members with regard to the content and positioning of the compliments / complaints stickers in vehicles.

The Chair expressed sincere thanks from the Committee to the Senior Licensing Practitioner, WRS, for the work carried out on the consultation.

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**RESOLVED** that as detailed in the preamble above

- the Senior Licensing Practitioner, WRS, to liaise with the Redditch Taxi Association with regard to licensed drivers who did not receive the initial consultation document. The revised consultation document, as detailed at Appendix 2 to the report, to be distributed to those drivers as identified;
- the Senior Licensing Practitioner, WRS, to liaise with the Council's Engagement & Equalities Advisor, to clarify which agencies were consulted with and if the following agencies were consulted with:-
  - Older People's Forum
  - Community Forum
  - Health and Well Being Group
  - BARN (Bromsgrove and Redditch Network)
  - DAR (Disability Action Redditch)
  - Town Centre Partnership

If any of the above agencies were not consulted with, the revised consultation document, as detailed at Appendix 2 to the report, to be distributed to those agencies. A further report on the responses received to be presented to the next meeting of the Licensing Committee.

- that following on from those responses received, to the revised consultation document, the following **RECOMMENDATIONS** from the Overview and Scrutiny Committee, Improving Disabled People's Access to Redditch Taxi Fleets Task Group, be re-considered by Licensing Committee Members:-
  - to allow applications for new hackney carriages to be made for vehicles that are less than six years old, meet European M1 safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle. (*This relates to the Hackney Carriage Vehicle Licensing Policy only*); and
  - The Driver Licence Policy – Application for a Hackney Carriage and / or Private Hire Vehicle Driver's Licence be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years.
- the following **RECOMMENDATIONS** from the Overview and Scrutiny Committee, Improving Disabled People's Access to Redditch Taxi Fleets Task Group, be approved:

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- Information to be displayed in licensed vehicles for passengers detailing how to make compliments or report complaints.
- Following the implementation of the legislation locally, on Section 165-167 of the Equality Act 2010 Taxi and Private Hire Passengers in Wheelchairs, a media campaign be conducted to guide disabled people and taxi drivers when travelling by taxi about their rights and responsibilities.
- Worcestershire Regulatory Services (WRS) to produce a list of drivers, who consent to having their details published and currently operate licensed Wheelchair Accessible Vehicles, to the next meeting of the Licensing Committee; with the intention to publishing the list on the WRS and Redditch Borough Council websites, once seen by Licensing Committee Members.

### 21. **PENALTY POINTS SCHEME FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The Committee were asked to consider an update report with regard to the introduction of a Hackney Carriage and Private Hire Penalty Point Scheme.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so reminded the Committee that at the Licensing Committee meeting on 18th July 2016; Members agreed to defer the implementation of a Hackney Carriage and Private Hire Penalty Point Scheme. This was to enable further meetings and discussions to take place with officers from WRS and representatives of the newly formed Redditch Taxi Association (RTA), in order to explain in more detail the aims of the scheme and how it would operate in practise.

Members also took on board the suggestion received from the RTA with regard to them introducing a self-regulating scheme to monitor any complaints and non-compliance received. Members agreed for the RTA to self-regulate any complaints and non-compliance for a period of six months; with a detailed report on the six monthly comparisons of the RTA self-regulating scheme being presented to the Licensing Committee meeting on 6th March 2017.

The Senior Licensing Practitioner, WRS, drew Members attention to Appendix 2 to the report, which provided a summary of the

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complaints recorded for hackney carriage and private hire drivers and operators, during the period 1st February 2016 to 31st January 2017.

A total of 23 complaints were recorded during the period 1st February 2016 to 31st July 2016 compared to a total of 18 complaints being recorded during the period 1st August 2016 to 31st January 2017. This indicated a reduction in recorded complaints of 21.7% since the end of July 2016. This suggested that the efforts of the RTA could be having a positive impact on the overall number of complaints being received. However, complaints were still being received periodically with regard to a number of issues which included overcharging, poor driving standards and drivers being rude and abusive.

Some of the complaints received between 1st August 2016 and 31st January 2017 were acts of non-compliance which could have been dealt with under the proposed penalty point scheme.

The Senior Licensing Practitioner, WRS, informed the Committee that further discussions with representatives from the RTA had confirmed that their members remained opposed to the introduction of the proposed penalty point scheme.

The Senior Licensing Practitioner, WRS, responded to questions from Members and highlighted that each complaint was dealt with on its own merit. Occasionally the information received from those complaining could be rather sketchy. Where drivers were identified they would be made aware of the nature of the complaint / non-compliance made against them. The driver would be provided with the opportunity to accept / defend any complaint / non-compliance recorded against them. Officers from WRS would also consider any previous complaint(s) / non-compliances recorded about the driver, which would also be taken into account and dealt with appropriately.

The Senior Licensing Practitioner, WRS, highlighted that a very small number of complaints / non-compliances were received by WRS. The vast majority of drivers did comply and carried out a very good job. On average three complaints per month were received. Taking into account the number of licensed drivers and the hours they worked over a seven day week, this was a very small amount.

Members commented that they were pleased to see the results as presented and the positive input from the RTA. Members were happy that the RTA self-regulating scheme appeared to be working successfully.

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Further discussion followed on the introduction of a penalty point scheme, with Members agreeing that WRS should continue to monitor the number of complaints received, in order to see if the number of complaints continued to reduce, since the RTA self-regulating scheme was still in its infancy.

### **RESOLVED that**

- a) the implementation of a Hackney Carriage and Private Hire Penalty Point Scheme, be deferred until November 2017, in order to allow further information to be provided on the monitoring of the self-regulating scheme run by Redditch Taxi Association with regard to complaints and non-compliance recorded;**
- b) a further detailed six monthly comparison report on the Redditch Taxi Association self-regulating scheme be presented to the Licensing Committee meeting on 6th November 2017;**
- c) Worcestershire Regulatory Services to provide information on the type of complaints received to Redditch Taxi Association.**

### **22. VERBAL UPDATE ON THE CONCERNS RAISED AT THE TAXI FORUM HELD ON 23RD AUGUST 2016**

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS) provided Members with a further update on the actions noted at the Taxi Liaison Forum held on 23rd August 2016.

The Senior Practitioner (Licensing), WRS, informed that Committee that despite his efforts some of the issues were still ongoing. There had been a change in ownership at the Kingfisher Shopping Centre and some of the issues did not fall under the remit of Worcestershire County Council, Highways Team. Members did question if it was worth raising the outstanding issues at the next Town Centre Partnership meeting.

The Senior Practitioner (Licensing) WRS, highlighted that the parking wardens and officers from WRS still remained proactive in monitoring the taxi rank on Unicorn Hill, Redditch.

The Chair thanked the Senior Licensing Practitioner, WRS, for the verbal update.

### **23. LICENSING COMMITTEE WORK PROGRAMME 2016/2017**

The Committee considered the Licensing Committee Work Programme for the remainder of the 2016/17 Municipal Year.

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**RESOLVED that**

**the Licensing Committee Work Programme 2016/17 be updated  
as discussed and agreed during the course of the meeting.**

The Meeting commenced at 7.02 pm  
and closed at 8.45 pm





**LICENSING  
COMMITTEE**17<sup>th</sup> July 2017**FURTHER CONSIDERATION OF THE RESULTS OF THE EARLIER  
CONSULTATION ON “IMPROVING DISABLED PEOPLE’S ACCESS TO  
REDDITCH TAXI FLEETS”**

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

Members are asked to consider again the results of the previous consultation exercise undertaken in relation to two proposed amendments to the Council’s Hackney Carriage and Private Hire Vehicle and Driver Policies that were recommended to the Licensing Committee following the Overview and Scrutiny Committee’s “Improving Access for People with Disabilities to Redditch Taxi Fleets” Short, Sharp Review.

**2. RECOMMENDATIONS**

**Members are asked to consider again the responses received during the original consultation exercise and RESOLVE whether to approve implementation of the following proposed changes to the Council’s Hackney Carriage and Private Hire Vehicle and Driver Policies:**

- **The Hackney Carriage Vehicle Licensing Policy be amended to allow applications for new hackney carriages to be made for vehicles that are less than six years old, meet European M1 safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle.**
- **The Driver Licence Policy be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years.**

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**3. KEY ISSUES****Financial Implications**

- 3.1 The costs involved in carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 Proper consultation on the proposals to amend the Council's policies was undertaken to minimise the risk of legal challenge if the proposals are subsequently implemented.

**Service / Operational Implications**

- 3.3 On 6<sup>th</sup> March 2017, the Licensing Committee considered the responses received during a consultation on proposed changes to the Council's Hackney Carriage and Private Hire Vehicle and Driver Policies that were recommended to the Licensing Committee following the Overview and Scrutiny Committee's "Improving Access for People with Disabilities to Redditch Taxi Fleets" Short, Sharp Review.
- 3.4 Following consideration of the consultation responses, the following proposed changes were approved for implementation.
- Information to be displayed in licensed vehicles for passengers detailing how to make compliments or report complaints.
  - Following the implementation of the legislation locally, on Section 165-167 of the Equality Act 2010 Taxi and Private Hire Passengers in Wheelchairs, a media campaign be conducted to guide disabled people and taxi drivers when travelling by taxi about their rights and responsibilities.
  - Worcestershire Regulatory Services (WRS) to produce a list of drivers, who consent to having their details published and currently operate licensed Wheelchair Accessible Vehicles, with the intention to publishing the list on the WRS and Redditch Borough Council websites.

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- 3.5 There were two other proposals for change that Members did not want to approve before checking that appropriate consultation had taken place. These proposals were:
- to allow applications for new hackney carriages to be made for vehicles that are less than six years old, meet European M1 safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle.
  - The Driver Licence Policy – Application for a Hackney Carriage and / or Private Hire Vehicle Driver's Licence be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years.
- 3.6 Members were concerned as Redditch Taxi Association had suggested that not all licensed drivers had received the consultation document that had been sent to all licence holders by Licensing Officers.
- 3.7 Members also wanted to check that the following organisations were consulted with:
- Older People's Forum
  - Community Forum
  - Health and Well Being Group
  - BARN (Bromsgrove and Redditch Network)
  - DAR (Disability Action Redditch)
  - Town Centre Partnership
- 3.8 Despite requests being made by Licensing Officers, the Redditch Taxi Association have not provided details of any of the licence holders who said they did not receive a consultation document when they were originally distributed. Officers have also been able to confirm that all of the groups listed above were given the opportunity to respond to the consultation when it was originally advertised.
- 3.9 As a result, further consultation with the groups and licence holders has been deemed an unnecessary step to take and Members are asked to consider again the responses that were received during the original consultation exercise.
- 3.10 A table setting out a summary of the survey responses received during the original consultation exercise is attached at **Appendix 1**.

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- 3.11 A total of 22 survey responses were received although not every respondent provided an answer to each of the survey questions.
- 3.12 The majority of respondents to the survey (68%) agreed with the Council's proposal to relax its policy on the licensing of vehicles as hackney carriages so that instead of additional hackney carriages having to be "brand new" wheelchair accessible vehicles, they can be wheelchair accessible vehicles that are up to six years of age.
- 3.13 A smaller majority of respondents to the survey (59%) agreed with the Council's proposal to amending its policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness every three years.
- 3.14 A number of other comments were received via the survey responses received. These comments can be seen in **Appendix 1**.
- 3.15 In addition to those who completed the consultation survey, a submission in response to the consultation exercise was made by the Redditch Taxi Association (RTA). The RTA submission was accompanied by a list of those drivers that the submission is submitted on behalf of. The RTA submission can be seen at **Appendix 2**.
- 3.16 The RTA disagree with the proposal to relax its policy on the licensing of vehicles as hackney carriages so that instead of additional hackney carriages having to be "brand new" wheelchair accessible vehicles, they can be wheelchair accessible vehicles that are up to six years of age.
- 3.17 The RTA disagree with the Council's proposal to amending its policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness every three years.
- 3.18 The RTA make a number of other comments and suggestions in their submission, including that an independent inquiry must be carried out before any decision is made to change policies.
- 3.19 Members are asked to consider again the responses received during the consultation and decide whether to approve implementation of the following proposed changes to the Council's Hackney Carriage and Private Hire Vehicle and Driver Policies:
- to allow applications for new hackney carriages to be made for vehicles that are less than six years old, meet European M1 safety standards and have facilities for carrying a disabled person in a wheelchair within the vehicle.

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- The Driver Licence Policy be amended to require that refresher training should be provided on driving standards and disability awareness to taxi drivers every three years.

**4. RISK MANAGEMENT**

4.1 None

**5. APPENDICES**

Appendix 1 – Summary of Consultation Survey Responses  
Appendix 2 – Submission from Redditch Taxi Association

**AUTHOR OF REPORT**

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## Improving Disabled People's Access to Redditch Taxi Fleets

### Survey Responses

Redditch Borough Council is considering relaxing its policy on the licensing of vehicles as hackney carriages so that instead of additional hackney carriages having to be "brand new" wheelchair accessible vehicles, they can be wheelchair accessible vehicles that are up to six years of age.

Please note that in this context a "wheelchair accessible vehicle" means a vehicle capable of carrying a wheelchair user whilst they remain seated in their wheelchair.

Do you agree with this proposal?

**Yes - 15 (68%)**

**No - 7 (32%)**

#### Other Comments Received in Relation to this Question

Although I agree that there should be more wheelchair accessible hackney carriages in the Borough, I don't feel the quality of the vehicles should be compromised by allowing vehicles to be up to six years old.

As long as they are we'll maintained regularly and spot checks done

Yes, as long as it is safe, and has been properly adapted - AND CHECKED/approved etc.

who cares how old it is if its safe clean and usable!?

This will make it more affordable for drivers to purchase and license a wheelchair accessible taxi

Otherwise the situation is restricted - it is necessary to encourage the greatest possible number of taxis available

I believe that the vehicle does not have to be a brand new taxi, as long as it has gone through all the stringent tests that RBC taxi licensing ask of all their taxis. Also buying a wheelchair access vehicle brand new would be too expensive for most of the taxi firms, which is one reason why we do not have many of them.

As long it is maintained and fit for purpose the age should not be restrictive

There is no substantial difference in use or safety of a WAV over the rest of the fleet.

As long as the vehicle has regular services of the vehicle and ramps etc to ensure that the vehicle is safe for use then I feel a taxi can be used up to 6 years old.

Access to services under the Equality Act 2010 should be for everyone and not just for the able bodied.

Disabled people have a very limited social life – the lack of transport extends their social exclusion

Disabled people should be given the same opportunities as their peers without transport this is extremely difficult

With the services at the Alexander Hospital being moved to Worcester disabled people are going to struggle to attend appointments due to mis matched bus services and also the limitation of available positions for wheelchair users

Employment opportunity for disabled people are already limited with accessible transport disabled people would be able to venture out of county

Accessible transport would increase freedom of independence which is often lacking in the majority of disabled peoples lives

It makes good business sense and there is definatly a niche in the market to extend taxi services considering how many disabled people there are within our county

The spending power of disabled people within the county would benefit hundreds of business including the taxi provision themselves, if they had accessible transport.

I agree as it is giving more flexibility to disabled people with wheelchairs.

There are too many old bangers used as taxi/private hire. Many of these vehicles have in excess of 300,000 miles and should not be used for this purpose only new cars and buses should be allowed for this purpose. It would be a good idea to restrict mileage on vehicles also operators should supply service details many of the companies do not even service a vehicle until it breaks down.

Because we can buying cheaper 6 years old hackney taxi is cheaper so all the drivers can buying. I cannot afford a new one.

Because buying a six year old hackney carriage is cheaper so all the drivers can buying hackney taxi. I cannot afford a new one.

I cannot afford a brand new taxi with disabled access.

Because I am a dual badge taxi driver in Redditch but I cannot afford a brand new hackney vehicle. I will buy a hackney vehicle if is 6 years old so it will help the disabled customer to reduce the waiting time to get a disabled access vehicle.

What happened to those vehicles which were given out to people for this very purpose. I think there were at least four licences. I also think that this is a private hire matter unless there is a survey carried out on each taxi rank.



The taxi trade is already overcrowded with licensed hackney and private hire vehicles. How will you accommodate additional hackney carriages i.e. ranks/stands and adaptations to existing ranks so they are wheelchair friendly. Have not seen any evidence to back the Councils claim that more wheelchair access hackney carriages are needed. For example no proof of any independent survey being done. The Council has also not considered the fact that this will open the gateway for drivers easily obtaining a hackney carriage licence in Redditch and using the loophole to go and work in other Boroughs out of Redditch. There is no legislation to restrict this practice to make sure all Redditch hackney carriage licences issued remain in the Redditch Borough.

Refer to Redditch Taxi Association Letter

Too many taxis in Redditch, not enough demand for this type of vehicle. Cross-border loophole will open up

There is no demand for any more. Before any policy change I would like to see a report or an independent survey completed to back such changes. There are already sufficient amount of wheelchair cars in Redditch this will produce more overcrowding on existing ranks that are designed to accommodate such vehicles.

**Redditch Borough Council is considering amending it's policy on the licensing of drivers of hackney carriage and private hire vehicles to require all drivers to undertake refresher training in driving standards and disability awareness every three years.**

**Do you agree with this proposal?**

**Yes - 13 (59%)**

**No - 9 (41%)**

**Other Comments Received in Relation to this Question**

I see more and more hackney carriage/private hire licence holders driving to very poor standards and with sub standard vehicles. Refresher training in driving standards every 3 years would, hopefully, raise the standard of driving and impress upon them the importance of having a well maintained and road worthy vehicle.

I have also been advised by wheelchair users that some companies within the Borough do not use the required restraints when fixing their wheelchair in their vehicles. Additional refresher training in disability awareness would promote a great understanding of how to interact with disabled passengers and ensure their wheelchairs are securely restrained.

I am also under the impression that a number of Redditch companies have purchased wheelchair accessible vehicles but do not readily take wheelchair passengers due to the additional time it takes to load and unload them. I believe they have only purchased these specialist vehicles in order to take advantage of the extended period they are allowed to keep the vehicles as licensed hackney carriages, as opposed to standard non-wheelchair accessible vehicles.

Everyone's needs updated training regularly for health & safety reasons

Definitely must be compulsory. The standard of driving should be better, and the driver should end up having a greater degree of empathy. One thing that should also be seriously considered AND PROMOTED is that drivers of taxis who have passed the advanced driving test - set by the Institute of Advanced Motorists - should be officially recognised etc. And if all the registered drivers of a taxi firm have passed the IAM test then that taxi firm must get special recognition.

yes absolutely, most able bodied drivers have no clue about any kind of disability

and some especially council licenced are racist and dangerous, and I have had personal incidents with drivers who should not have been behind the wheel.
Over time everyone forgets what they learned on a course. Refreshers seem a very good idea.
As long as it isn't too onerous
I believe that every taxi driver should have a refresher course as they get into bad habits, and it does not hurt to remind them about the standards that are expected of our drivers. As a disabled person who is ambulant and walks with crutches it is a lot to be desired at the moment.
It is crucial to understand the needs of disabled passengers to complete their journeys safely and securely
All professions require updated training. Training becomes less effective and relevant over time.
Drivers need to be made aware of disabilities and what each disabled person may need in regarding assistance in and onto/off the vehicle.
<p>All clients must feel safe and secure when travelling on public transport. Without training drivers would not know how to approach the disabled person and support their needs.</p> <p>Drivers must be aware of working dogs and the legislation assigned to carrying a working dog such as those for visually impaired people and wheelchair users.</p> <p>It makes good business sense to enhance customer satisfaction</p> <p>Disabled people travel differently to able people i.e taking corners at the correct speed, being helped to fit their seat belts, being clamped in correctly</p> <p>The vulnerability of disabled people can expose them to areas of danger that they themselves may not be aware of.</p>
I agree as the Council is giving training to people to help with assistance to wheelchair people
Many drivers in Redditch do not have full command of the English language this should not be allowed.
All the drivers already pass the taxi test and are well trained.
All the drivers already pass the taxi test and are well trained.
Every driver is very well trained and already undertook the taxi test.
Most of the drivers already know about disability awareness. As I am a taxi driver for more than 5 years.

If the Council is willing to pay then yes, otherwise no. Simply Council Officers don't pay out of their own pockets for any of their training or courses. Charge new drivers only.

I would like to see evidence that supports the need to make such amendments to policy i.e. complaints etc. If anything considering the time a driver spends on the road on a daily basis, driving skills, reflexes, judgement calls etc are much better and natural than an average driver who drives to and from work. However if the Council still considers this amendment, as I feel it is a gimmick to generate yet again more finances from the taxi trade, I would agree only on the basis that there was no costs involved. As for disability awareness the last time we completed such a course we had to pay for it, again generating more revenue but did not receive any documentation that such training was completed.

Refer to Redditch Taxi Association Letter.

Most of the drivers do a great job without extra training. New drivers must do extra tests initially when applying. Where is my certificate from disability test?

No due to the fact drivers who are existing drivers have many years of experience and are some of the best and experienced in the Borough. However they should make more rigid and intense training for any new applicants as some of them should not hold a hackney or private hire licence.

**Redditch Borough Council is considering amending its policy and conditions for the licensing of hackney carriage and private hire vehicles to require vehicle proprietors to display stickers in their vehicles that provide information on how passengers can make complaints or pass on compliments.**

**Do you agree with this proposal?**

**Yes - 19 (90%)**

**No - 2 (10%)**

**Other Comments Received in Relation to this Question**

I think this would be very useful. However, I would question whether Redditch Borough Council have sufficient manpower to deal with these due to the ongoing cut-backs to staffing levels.

So the public can view the details clearly.

And ensure the sticker is LARGE and of an approved/standard design - with large font, and it must be put in a prominent position etc.

because they treat you like its your fault when they have been rude or dangerous and you end up injured. and if you ring the office they say they don't know who picked you up.

This will make it easier for the public to report issues to the council.

This is a basic requirement and avoids the person having to ask the driver if it is a complaint.

This would help on both sides as if you have received exceptional treatment from a taxi driver (not normal treatment which they should be doing) you can give a compliment the same way as you can complain about a driver.

If the vehicle is licensed then there should be a complaint process and information where you can make that complaint or compliment.

What is the point of compliments? What would you do with the compliments? If they were used in anyway to influence or effect the outcome of enforcement you would be in breach of existing legislation. The compliments aspect is concerning and sets a negative precedent in taxi licensing law. This aspect is likely to be judicially reviewed and is more about appeasing drivers than improving standards.

Saves the passenger the time and hassle of having to make phone calls to find out who they need to really speak to when there is a problem.

You can not access a service unless you know how to access it.
This allows passengers to understand a driver is following code of conduct set out to him and they have information available to see where they can get in touch which helps the communication between passengers and driver.
As I have said before, many proprietors have old transport cars and buses with very high mileage and due to lack of English do not give a good service to customers.
Already there is a sticker with the taxi number displayed. We don't mind.
Already there is a sticker with the taxi number displayed. We don't mind if this is changed.
Already there is a sticker with the taxi number displayed. We don't mind if this is changed.
Because there is already a vehicle plate number is stick in the inside of the windscreen. And also we taxi driver always should wear badge so everybody can read over identity and badge number.
Depending on size of stickers. Also private hire should have "pre-booked" stickers like other towns and cities.
Because majority of customers if they have complaints or issues will either contact the operator they booked the taxi directly or in serious issues contact the police or Council anyway. However if the Council feel there is a need, why not alter the licence plates and include a contact number like some Boroughs rather than waste more money on stickers. However I strongly feel before actually implementing any changes, the Council should set up an independant complaints line for drivers who have issues with licensing i.e. badge renewals, suspensions, plate renewals and enforcement issues.
Refer to Redditch Taxi Association Letter.
I agree but more staff is required - who will pay? Who will pay for stickers? Recommend do it on red or green plates. Tell customers through newspapers on how to complain.
Rather than display stickers on the dashboard, the information should be included on the rear plates and on the interior licence sticker.

**Redditch Borough Council is considering publishing a list on their website of all taxi owners / operators who can provide a vehicle that is capable of carrying a passenger who remains seated in their wheelchair.**

**Do you agree with this proposal?**

**Yes - 21 (100%)**

**No - 0 (0%)**

**Other Comments Received in Relation to this Question**

I would welcome this. However, detail regarding whether they have split ramps and high headroom would also be useful as different wheelchairs have different transportation needs.

It will give people confidence and reassurance to know they can trust the recommendations.

Obvious, and make it easy to find on the RBC website. [The search facility on the RBC website isn't very good.]

helpful as you don't know who you can call unless you personally know a driver who has a suitable car a list of companies who will put a chair in the boot without complaint or extra charge would also help.

This will make it easier to know who to call.

Again this is an obvious thing to do with so much usage of the internet and in the interests of providing a comprehensive service for users.

Yes as otherwise you have to phone round different taxi firms to see if they take wheelchair access vehicles.

Usually you have to call each firm to see if they have a suitable vehicle and if it is available.

It helps people access the appropriate service for them.

I have tried to look on the website for such information now that I have to use an electric wheelchair and there is no information at all so far of which taxi companies do provide wheelchair accessible taxis.

You can not access a service unless you know how to access it.

I agree to helping to work alongside people to be able to achieve a goal and having vehicles available for wheelchair users so they can go shopping, visit family,

appointments, etc at comfort and service.
Good idea.
It will be easier for the customers.
It will be easier for customers to book a disabled vehicle.
It will be easier for customers to book a disabled vehicle.
That will be easy for the disabled people to ring the right operator without wasting their time.
No objections at all.
Good idea to make it fair change P/H policy where operators need to stop discriminating on price. It will be good for customers to know who or how to book.



**Do you have any other proposals that you think the Council should consider to improve access for disabled people to hackney carriage and private hire services?**

I think the Council should ensure that disabled people are aware of the small number of wheelchair accessible vehicles that are available within the Borough and that many of these vehicles are multi-purpose so can be used as standard hackney carriages/private hire vehicles. This would help them understand that they are not as freely available in Redditch as they are in cities such as Birmingham or London. Unfortunately this results in wheelchair taxis need to be booked, in many cases, in advance, to ensure that the correct vehicle arrives.

General point, like the City of Oxford taxi tariffs, plus many other local authorities, all the taxi tariffs in Worcestershire must be in metric units, not the price per mile, the tariff meter should be set to kilometres. The published price of fares to show £ /km.

list of companies with chair adapted vehicles. list of companies who will put a chair in the boot, or carry service dogs without extra charge or moaning, list of companies whose drivers are willing to help carry goods to the door for you if you really can't, carry it a way to make sure you can complain if something happens and will be listened to drivers and cars more regularly checked for standards set rules about what they can charge so its not different with every driver as often happens. make cars easier to identify AS taxi, the company I use are great they text you telling you what car they sent, but its not always easy to identify car types in the dark at night... or a car type you have never seen before...

The council could make it mandatory for all its taxis to be wheelchair accessible taxis like they have in other towns around the country.

At the moment if a wheelchair disabled person requires a taxi, the taxi firms I have consulted on say that 48 hours notice has to be given. This is not acceptable as I feel that this is discrimination to the disabled person. How do you know if you might need a taxi for an emergency and there is no other way of getting there!

Bring down the price. I have used the only taxi company I could find to go out when I needed to. It cost me £24 for a return to my visit my sister who lives less than 3 miles from me. This is something I can't afford being a single disabled parent on benefits. Outrageous cost. In a normal taxi it would cost me £6 return to visit my sister and as I can no longer use a normal taxi £24 is not what I am willing to pay so I haven't used the service since and now I feel isolated and feel as though I will never be able to visit family and friends again.

I think when it comes to wheelchair users it is very difficult for me to say how I am going to know whats best for them as they are in a wheelchair permanently, working to help towards to achieve that goal and having training as well sounds like it will

help me to improve that service.
I do not understand how some drivers get a private hire licence when they cannot speak English. It says in the manifesto that all drivers should have a good understanding of English. Many do not.
Drivers who get dual badge council can offer to put the vehicle which is at least 6 years old (like Peugeot Partner) so then will be more disabled access vehicle will come on the road which will improve service to provide a disabled access vehicle to disabled people.
My proposal would be based on first hand knowledge of the taxi trade as I have been a driver for over 12 years. Over this period of time I have never experienced an issue with disability because literally all wheelchairs are foldable and customer is able to get into a normal saloon car. I feel to improve wheelchair friendly access the Council should consider making changes to how licences for private hire vehicles are issued. For example make it compulsory for anyone wanting a private hire vehicle licence will only be issued one if the car is a 6 year old wheelchair vehicle. And change policy so they cannot charge extra for this service. As at the moment in the last 24 months a lot of private hire licences have been issued both vehicle and driver that could have potentially been wheelchair friendly. Also there is no policy or enforcement in place to stop operators for charging extra for wheelchairs. Also give the Dial-a-Ride contract to a taxi operator with the vehicles as they would do a better and regular service.
Refer to Redditch Taxi Association Letter.
Restrict what private hire operators charge if wheelchair cars are used. Any other questions please contact Redditch Taxi Association.

**Redditch Taxi Association**

65 Oakly Road

Redditch

B974EF

Dear Dave,

The RTA over the past few months have been speaking to the members regarding the consultation on Improving Disabled Peoples Access to Redditch Taxi Fleets. The response has been overwhelming from both Hackney and Private Hire Drivers.

The attached letter details on how the drivers feel about this consultation. Many drivers have not received the consultation letter therefore we have included a list of the drivers who have raised their concerns.

Regards

Redditch Taxi Association

In response to the report that was issued by the Task Group on improving disabled people's access to Redditch taxi fleets, the Redditch Taxi Association (RTA) and its members have agreed that changes are required but many taxi drivers have raised concerns on some of the recommendations made in this report.

The following letter will highlight what the concerns are, and are willing to put some recommendations forward to make sure that both the drivers and the disabled customer needs are met in an amicable manner.

The drivers have asked for an independent and more in-depth inquiry into what is being proposed and would be very grateful if this is carried out before any decision is made.

Many taxi drivers in the borough have been working with the public for over three decades, many of those drivers believe the demand for wheelchair accessible vehicles (WAVS) is already being met by private operators. Those customers whom require a WAV generally pre-book their taxi for a return journey at agreed times and price with their provider. Those that would come on to the taxi rank usually have foldable wheelchairs and can easily sit in the car with reasonable assistance from the driver.

Hackney members feel that this consultation is only targeted towards them. Redditch Borough Council (RBC) Licensing has made the private hire licence a free for all. The drivers believe that many of the issues and problems the customer faces are a result of licensing not following their own guidelines in recruitment of drivers. One of the recommendations that operators improve driver standards. From the offset when a driver is being issued a licence, the licensing team should follow the requirements tick list. Rather than passing on the book to operators and drivers the licensing team, employed to do this need to make sure standards are met.

The recommendation made by the Task Group to increase the number of licensed WAVS operating in the borough by relaxing its policy of vehicles as hackney carriages has many implications on the trade as a whole. From the research carried out we have found there are already too many hackney carriages for what the Taxi Ranks can cater for, which has already resulted in over parking. Cross-border working due to legal loopholes.

The ranks are not equipped for certain types of WAVS which will mean that the Ranks will have to be made more user friendly. One problem we have found with the Bus station rank is that if a WAV is parked in the middle of the rank and a customer requires this particular vehicle, there is no way of getting around unless all vehicles are made to leave the rank.

The rank configurations would come at a cost which should be considered especially when the current feeder rank situation is still being questioned and has not been sorted.

The report has not considered that by relaxing or changing the policy on the age may open a gateway for drivers to obtain a hackney carriage licence in the borough and then use a legal loophole to go and work cross- borders. There is no legislation to restrict this practice to make sure all hackney carriage licensed vehicles remain in the borough.

Members have suggested that a change in policy for any new private hire licences should have a compulsory requirement of WAV.

Changing the policy from allowing a brand new WAV to one that can be up to six years of age. This in the report states that considerable savings can be made to the driver. These vehicles usually tend to be high mileage thus requiring more maintenance for wear and tear, giving far less fuel economy and some are adapted only to carry a single occupant alongside the wheelchair user. The side loading black cab style vehicle even at six years of age is an expensive option as these tend to be ex taxis in other counties and also come with high mileage and usually are coming to the end of their life span.

The current WAV operators in the borough have a modern and adequate fleet of vehicles, who cater for all types of wheelchairs. The supply for WAVS surpasses the demand for the borough, as many operators have to rely on regular contracts to make these vehicles financially viable.

The report states that "a disabled customer was unable to get home after their shopping trip" which prompted this short and fast review. A question drivers are asking is how did this customer get there?, why is it when a taxi is required it is expected there and then and if you book a taxi operated and funded by the council you have to wait upto a week?

When the customer did require a WAV they were told one was not available for a period of time due to prior commitments. Yet Dial a Ride which was praised in the report, a service funded by the council will make customers book in advance for the journey required. A service that only operates limited hours and days. Some members have suggested that the dial a ride contract be given to a local operator, at a subsidised cost which may lead to a more regular and cost effective service.

Redditch Borough Councils consideration of requiring hackney carriage drivers to undertake refresher training in driving standards and disability awareness every three years has unanimously been rejected by the drivers. The amount of private hire licences being issued has seen a decrease in driver earnings over the last few years. Who will cover the cost of such training and courses? Our proposal would be, any new drivers joining the taxi trade Hackney Carriage or Private Hire must undertake a DSA test as well as a disability awareness test before their license is issued. Majority of Redditch drivers have been working in the trade helping people from all groups without any problems or major concerns.

The consideration of stickers in taxis for passengers to make complaints and compliments is a good idea. Our recommendation would be to have this information on the plates inside and outside of the car, this will save on the cost of having the stickers made. Drivers are also concerned whether there will be a specialist department with more employees? And if so how will these costs be covered?

When a complaint is made, there must be sufficient and reasonable evidence of any complaints made before the driver has been summoned to the committee.

Drivers are in agreement that a disabled passenger must be charged the same as all customers. Changes to policy are required so that this can be achieved and be fair to all. The drivers have made it clear that any licensed driver, who refuses to carry a passenger with a disability without reasonable exemptions, should be given penalties or even a ban.

The recommendation of advertising WAVS through the internet is a good idea and would make it easier for the user to access this service. It will also save on costs when upgrades are needed, compared to other types of media.

In conclusion the drivers believe some changes are required. An independent inquiry must be carried out before a decision is made. Changes to private hire policy must be looked into, which may include the fairness in price for disabled passengers. The improvements that can be made in initial recruitment of drivers by the licensing team.

We would be very grateful that the council or committee do not issue any WAV a licence on what is being suggested in the report during the consultation period or until a final decision is made regarding this matter.

Any issues in this letter you may want to discuss with the RTA please do not hesitate in contacting us.

Regards

Redditch Taxi Association

## RTA

## (Redditch Taxi Association)

Representing hackney carriage and private hire drivers for Redditch borough council

## Members list:

NAME	BADGE NUM	BADGE TYPE	LICENCE NUM	LICENCE TYPE	CONTACT
M. BASHIR					
AKSALA	265	HACKNEY	57	H.C	
S. AKHTAR	203	HACKNEY	4	H.C	
M. NAWAZ KHAN	59	HACKNEY	197	H.C	
M. T. ZUB	111	HACKNEY	190	H.C	
T. NADEEM	155	HACKNEY	223	H.C	
N. ARIF	35	DUAL	22	H.C	
M. ASHFAQ	54	HACKNEY	54	H.C	
N. AKHTAR	260	HACKNEY	143	H.C	
B. SHAHZAD	456	HACKNEY	159	H.C	
QAMSEL NIKHIL	375	HACKNEY	46	H.C	
M. Jamil	439	Hackney	41	H.C	
SABIR	64	Hackney	26	H.C	
M. AYAZ	215	Hackney	84	H.C	
S. ALFAR	10	Hackney	220	H.C	
M. S. Ishaq	265	Hackney	120	H.C	
R. NAWAZ	18	Hackney	14	H.C	
M. ARBAS	370	PRIVATE		PH	
A. MAHMOOD	365	HACKNEY/PRIVATE		H.C / PH	
A. HUSSAIN	94	P.H	226	P.H	
AAMIR	161	HACK	59	HACK	
M. ALI	21	HACK	19	HACK	
S.H. SHAH	119	HACKNEY	68	HACKNEY	
N. ARIF	259	HACK	8	HACK	
N. TALIB	331	HACK	177	HACK	
M. AKHTAR	168	HACK	149	HACK	
M. Agha	349	HACK	178	HACK	
S. Nawar	209	HACK	33	H.C	
N. HUSSAIN	100	HACK	2	HACK	
A. MAHMOOD	204	HACK/PRIVATE	103	PRIVATE	

**RTA**

**(Redditch Taxi Association)**

## Representing hackney carriage and private hire drivers for Redditch borough council

### Members list:

[illegible]





**R7A**

**(Redditch Taxi Association)**

## Representing hackney carriage and private hire drivers for Redditch borough council

### Members list:

[illegible]

**RTA**

**(Redditch Taxi Association)**

### **Representing hackney carriage and private hire drivers for Redditch borough council**

**Members list:**

[illegible]

## RTA

## (Redditch Taxi Association)

Representing hackney carriage and private hire drivers for Redditch borough council

## Members list:

NAME	BADGE NUM	BADGE TYPE	LICENCE NUM	LICENCE TYPE	CONTACT
M. RIAZ	188	Hackney	123	H.C	
M. Ashfaq	13	Hackney	47	H.C	
R.B. SHARIN	276	Hackney	171	H.C	
ABID R	286	<del>69</del>	69	H.C	
I. HUSSAIN	280	Hackney	158	H.C	
I. MAHMOOD	288	HACKNEY	51	H.C	
M. JAHANGIR	166	HACKNEY	116	H.C	
L. DRUSON	301	Hackney	129	H.C	
Sajidulhaq	5	Hackney	35	H.C	
P. AKHTAR	58	Hackney	17	H.C	
M. JAWED	172	H.C	77	H.C	
M. TIAZ	17	H.C	29	H.C	
N. ASGHAR	38	H.C	213	H.C	
M. TANVEER	171	H.C	144	H.C	
P. AKHTAR	28	H.C	28	H.C	
A. IQBAL	77	H.C	63	H.C	
M. ZAHID	118	H.C	73	H.C	
G. ARAB	195	H.C	113	H.C	
S. AHMED	151	H.C	118	H.C	
Z. IQBAL	114	H.C	116	H.C	
A. KILAN	106	H.C	173	H.C	
TAKHTAR	325	H.C	218	H.C	
I.A.			212	H.C	
N. K. J	132	H.C	107	H.C	
Nasim	228	H.C	11	H	
M. B. MALIK	297	H.C	163	H.C	
K. NAWAZ	307	H.C	137	H.C	
FARRUKH	164	H.C	161	H.C	
Glenzorg	251		251		
Imran Araf	43	DUAL	12	H/C	

**LICENSING  
COMMITTEE**17<sup>th</sup> July 2017**EQUALITY ACT 2010 – SECTIONS 165 – 167**  
**POSITION STATEMENT ON THE MAINTENANCE OF A LIST OF**  
**DESIGNATED VEHICLES**

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

This report aims to highlights to Members the recently enacted provisions of sections 165 to 167 of the Equality Act 2010 and invites Members to consider whether the Council wishes to maintain a list of designated vehicles in accordance with section 167 of the Act and if so, what accessibility requirements will have to be met by vehicles included on the list of designated vehicles.

**2. RECOMMENDATIONS**

**That Members RESOLVE to recommend to Council the adoption of the draft position statement with respect to sections 165 – 167 of the Equality Act 2010 as shown at Appendix 2**

**3. KEY ISSUES****Financial Implications**

- 3.1 The additional costs of maintaining a list of designated vehicles are not anticipated to be significant and would be met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 The legal implications can be found in the main body of the report.

**LICENSING  
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**Service / Operational Implications**

- 3.3 On 7<sup>th</sup> February 2017 the Department for Transport (DfT) announced their intention to implement sections 165 – 167 of the Equality Act 2010 by and made the Equality Act 2010 (Commencement No. 12) Order 2017 which subsequently took effect on 6<sup>th</sup> April 2017.
- 3.5 As a result of this change to the law, drivers of designated wheelchair accessible taxi and private hire vehicles are now obliged to:
- transport wheelchair users in their wheelchair
  - provide passengers in wheelchairs with appropriate assistance
  - charge wheelchair users the same as non-wheelchair users
- 3.6 The new rules apply in England, Wales and Scotland, apply to both taxis and private hire vehicles and affect vehicles that are designated as wheelchair accessible.
- 3.7 Drivers found to be discriminating against wheelchair users face fines of up to £1,000. Drivers may also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons are able to apply to the Council for an exemption from the new requirements.
- 3.8 The new powers only apply in those areas where the licensing authority has decided to maintain a list of designated vehicles under section 167 of the Equality Act 2010, and where the driver is driving a vehicle included on the list of designated vehicles maintained by the licensing authority.
- 3.9 In order to be able to enforce the new provisions, officers are recommending that the Council decides to maintain a list of designated vehicles under section 167.
- 3.10 A vehicle can then be added to the list of designated vehicles provided:
- (a) it is either a taxi or a private hire vehicle, and
  - (b) it conforms to such accessibility requirements as the licensing authority thinks fit.
- 3.11 The Department for Transport has published guidance on the accessibility requirements that licensing authorities should apply. This guidance can be found at Appendix 1. Licensing authorities that decide to maintain a list of vehicles under section 167 of the Equality Act 2010 have a legal obligation to have regard to this guidance under section 167(7).

**REDDITCH BOROUGH COUNCIL****LICENSING  
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- 3.12 Having considered the guidance at Appendix 1, officers recommend that the Council resolves to adopt the draft position statement shown at Appendix 2 to the report.
- 3.13 The position statement contains the following:
- An introduction to the legislative provisions
  - A commitment to maintaining a list of designated vehicles
  - The accessibility requirements for vehicles that will be entered onto the designated list
  - A summary of the duties placed on drivers of designated vehicles
  - An explanation of how applications for exemptions from the duties will be dealt with
  - A statement on the approach that will be taken in relation to enforcing compliance with the duties.
- 3.14 Adoption of this position statement is being recommended to all six Councils in Worcestershire whose taxi and private hire licensing functions are carried on by Worcestershire Regulatory Services. This is in order to achieve consistency in the enforcement of these new provisions across Worcestershire in the interests of transparency and fairness to both licence holders and wheelchair users.
- 3.15 The Licensing Committee are asked to recommend adoption of the draft position statement at Appendix 2 to Council.

**4. RISK MANAGEMENT**

- 4.1 If the Council does not decide to maintain a list of designated vehicles under section 167 of the Equality Act 2010, the new protections the legislation provides for wheelchair users will not be applicable in the Council's area. This would carry a significant risk of reputational damage for the Council.

**5. APPENDICES**

- Appendix 1 – Guidance on Accessibility Requirements  
Appendix 2 – Draft Position Statement

**LICENSING  
COMMITTEE**

17<sup>th</sup> July 2017

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**AUTHOR OF REPORT**

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Department  
for Transport

# Access for wheelchair users to Taxis and Private Hire Vehicles

## Statutory Guidance

**Moving Britain Ahead**

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## Ministerial Foreword



This Government is committed to ensuring that transport works for everyone, including disabled people. Since joining the Department for Transport in 2015, and taking on Ministerial responsibility for transport accessibility, I have made it my mission to challenge the status quo and encourage innovative thinking to improve access to transport across the modes.

I know however, that despite the real improvements which have taken place in recent years, some disabled passengers still face discrimination when attempting to travel. I am clear that this is unacceptable.

Owners of assistance dogs are already protected by provisions in the Equality Act 2010 which make it unlawful to refuse or charge them extra. I want similar protections to apply to wheelchair users, which is why I am delighted that we have commenced the remaining parts of sections 165 and 167 of the Equality Act 2010, making it a criminal offence for drivers of designated taxi and private hire vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra. I hope that in so doing we will send a clear signal to the minority of drivers who think it acceptable to discriminate on grounds of disability that such behaviour will not be tolerated – and, more importantly, to enable wheelchair users to travel with confidence.

A handwritten signature in blue ink that reads "Andrew Jones". The signature is written in a cursive, flowing style.

**Andrew Jones MP,  
Parliamentary Under Secretary of State, Department for Transport**

# 1. Introduction

## Status of guidance

- 1.1 This guidance document has been issued in order to assist local licensing authorities (LAs) in the implementation of legal provisions intended to assist passengers in wheelchairs in their use of designated taxi and private hire vehicle (PHV) services. It provides advice on designating vehicles as being wheelchair accessible so that the new protections can apply, communicating with drivers regarding their new responsibilities and handling requests from drivers for exemptions from the requirements.
- 1.2 This is a statutory guidance document, issued under section 167(6) of the Equality Act 2010 and constitutes the Secretary of State's formal guidance to LAs in England, Wales and Scotland on the application of sections 165 to 167 of the Equality Act 2010. LAs must have regard to this guidance document.

## 2. Putting the law into practice

### Background

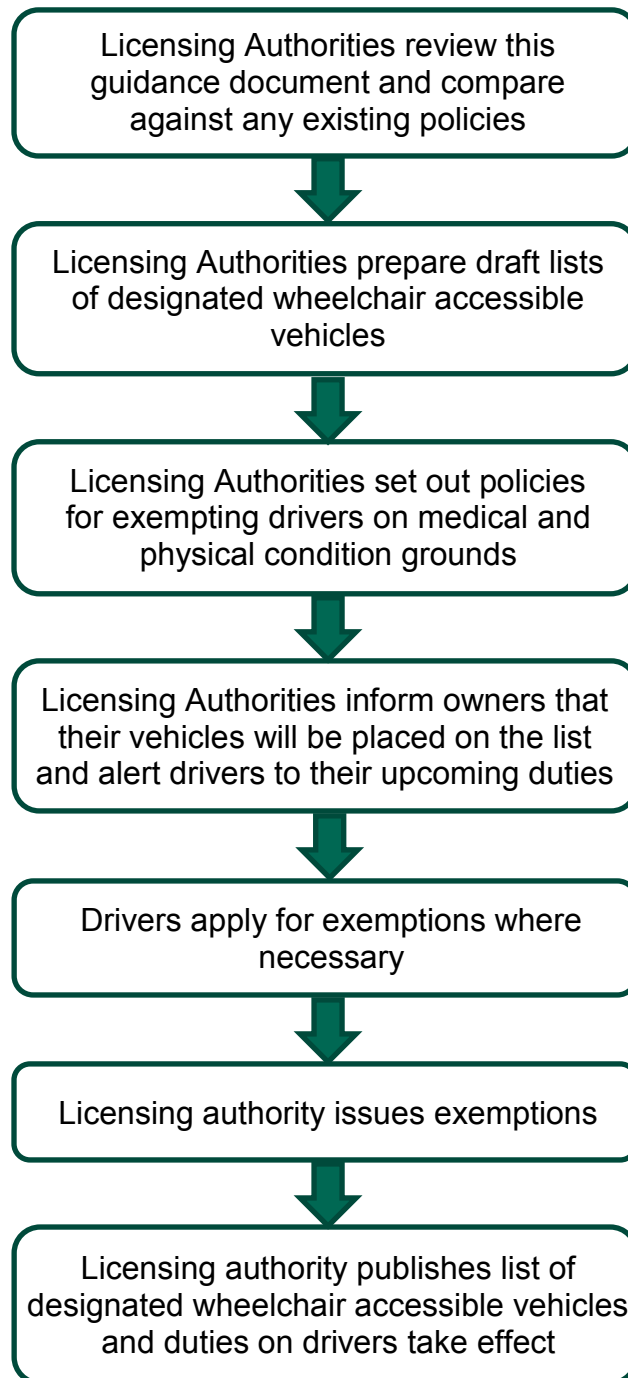
- 2.1 We have commenced sections 165 and 167 of the [Equality Act 2010](#) (“the Act”), in so far as they were not already in force. Section 167 of the Act provides LAs with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- 2.2 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act, which is already in force. This allows LAs to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- 2.3 On 15<sup>th</sup> September 2010, the Department for Transport issued guidance on the Act which stated, in relation to section 167, *“although the list of designated vehicles will have no actual effect in law until the duties are commenced, we would urge licensing authorities to start maintaining a list as soon as possible for the purpose of liaising with the trade and issuing exemption certificates”*.
- 2.4 We therefore recognise that many LAs have already implemented some of these provisions, including publishing lists of wheelchair accessible vehicles and exempting drivers. Therefore, there are likely to be a range of approaches being used in practice by LAs across England, Wales and Scotland.

### Transitional arrangements

- 2.5 We want to ensure that the commencement of sections 165 and 167 of the Act has a positive impact for passengers in wheelchairs, ensures they are better informed about the accessibility of designated taxis and PHVs in their area, and confident of receiving the assistance they need to travel safely.
- 2.6 But we recognise that LAs will need time to put in place the necessary procedures to exempt drivers with certain medical conditions from providing assistance where there is good reason to do so, and to make drivers aware of these new requirements. In addition, LAs will need to ensure that their new procedures comply with this guidance, and that exemption notices are issued in accordance with Government regulations. This will ensure that we get a consistent approach and the best outcomes for passengers in wheelchairs.
- 2.7 As such, we would encourage LAs to put in place sensible and manageable transition procedures to ensure smooth and effective implementation of this new law. LAs should only publish lists of wheelchair accessible vehicles for the purposes of

section 165 of the Act when they are confident that those procedures have been put in place, drivers and owners notified of the new requirements and given time to apply for exemptions where appropriate. We would expect these arrangements to take no more than a maximum of six months to put in place, following the commencement of these provisions, but this will of course be dependent on individual circumstances.

- 2.8 A flowchart setting out the sorts of processes that a LA could follow is set out below. This is an indicative illustration, and it will be down to each LA to determine the actions they need to take to ensure this new law is implemented effectively in their area.



## 3. Vehicles

### Overview

- 3.1 Section 167 of the Act permits, but does not require, LAs to maintain a designated list of wheelchair accessible taxis and PHVs.
- 3.2 Whilst LAs are under no specific legal obligation to maintain a list under section 167, the Government recommends strongly that they do so. Without such a list the requirements of section 165 of the Act do not apply, and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra.

### Vehicles that can be designated

- 3.3 We want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.
- 3.4 The Act states that a vehicle can be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- 3.5 This means that to be placed on a licensing authority's list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The Government therefore recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a "reference wheelchair"<sup>1</sup> to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 3.6 Taking this approach allows the provisions of section 165 of the Act apply to a wider range of vehicles and more drivers than if LAs only included on the list vehicles capable of taking a larger type of wheelchair.
- 3.7 The Government recognises that this approach will mean that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the LA's list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle. Paragraph 3.10 of this guidance below aims to ensure that users of larger wheelchairs have sufficient information about the vehicles that will be available to them to make informed choices about their journeys.

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<sup>1</sup> As defined in Schedule 1 of the [Public Service Vehicle Accessibility Regulations 2000](#)



## Preparing and publishing lists of designated vehicles

- 3.8 We want to ensure that passengers in wheelchairs have the information they need to make informed travel choices, and also that drivers and vehicle owners are clear about the duties and responsibilities placed on them.
- 3.9 Before drivers can be subject to the duties under section 165 of the Act, the LA must first publish their list of designated vehicles, and clearly mark it as 'designated for the purposes of section 165 of the Act'.
- 3.10 LAs should ensure that their designated lists are made easily available to passengers, and that vehicle owners and drivers are made aware. Lists should set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of operator. Where possible it would also be helpful to include information about the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a "reference wheelchair" can be accommodated.
- 3.11 However, we recognise that some passengers in wheelchairs may prefer to transfer from their wheelchair into the vehicle and stow their wheelchair in the boot. Although the legal requirement for drivers to provide assistance does not extend to the drivers of vehicles that cannot accommodate a passenger seated in their wheelchair, we want to ensure that these passengers are provided with as much information as possible about the accessibility of the taxi and PHV fleet in their area.
- 3.12 We would therefore recommend that LAs also publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle. It should be made clear however that this list of vehicles has not been published for the purposes of section 165 of the Act and drivers of those vehicles are therefore not subject to the legal duties to provide assistance. Authorities may however wish to use existing licensing powers to require such drivers to provide assistance, and impose licensing sanctions where this does not occur.

## Appeals

- 3.13 Section 172 of the Act enables vehicle owners to appeal against the decision of a LA to include their vehicles on the designated list. That appeal should be made to the Magistrate's Court, or in Scotland the sheriff, and must be made within 28 days of the vehicle in question being included on the LA's published list.

## 4. Drivers

### Driver responsibilities

- 4.1 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs.
- 4.2 The duties are:
  - to carry the passenger while in the wheelchair;
  - not to make any additional charge for doing so;
  - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
  - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - to give the passenger such mobility assistance as is reasonably required.
- 4.3 The Act then goes on to define mobility assistance as assistance:
  - To enable the passenger to get into or out of the vehicle;
  - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
  - To load the passenger's luggage into or out of the vehicle;
  - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 4.4 Once the duties are commenced, it will be an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them. We encourage LAs to provide drivers of taxis and PHVs who are not exempt from the duties with clear guidance on their duties with respect to the carriage of passengers in wheelchairs, either as part of existing driver-facing guidance, or as supplementary communication. The Disabled Persons Transport Advisory Committee's Disability Equality and Awareness Training Framework for Transport Staff<sup>2</sup> may provide a useful resource.
- 4.5 Although each situation will be different, we take the view that reasonable mobility assistance will be subject to other applicable law, including health and safety legislation. However, we would always expect drivers to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.
- 4.6 Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or

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<sup>2</sup> <http://webarchive.nationalarchives.gov.uk/20080804135759/http://www.dptac.gov.uk/education/stafftraining/pdf/trainingframework-nontabular.pdf>

light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

- 4.7 It is our view that the requirement not to charge a wheelchair user extra means that, in practice, a meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment. We recommend that licensing authority rules for drivers are updated to make clear when a meter can and cannot be left running.

## Applying for and issuing exemptions

- 4.8 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows LAs to grant exemptions from the duties to individual drivers. These provisions are contained in section 166, and were commenced on 1<sup>st</sup> October 2010.
- 4.9 Section 166 allows LAs to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties. Since October 2010, taxi and PHV drivers who drive wheelchair accessible taxis or PHVs have therefore been able to apply for exemptions. If they do not do so already, LAs should put in place a system for assessing drivers and a system for granting exemption certificates for those drivers who they consider should be exempt.
- 4.10 We suggest that authorities produce application forms which can be submitted by applicants along with evidence supporting their claim. We understand that some licensing authorities have already put in place procedures for accessing and exempting drivers, and as an absolute minimum, we think that the evidence provided should be in the form of a letter or report from a general practitioner.
- 4.11 However, the Government's view is that decisions on exemptions will be fairer and more objective if medical assessments are undertaken by professionals who have been specifically trained and who are independent of the applicant. We would recommend that independent medical assessors are used where a long-term exemption is to be issued, and that LAs use assessors who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant. LAs may already have arrangements with such assessors, for example in relation to the Blue Badge Scheme.
- 4.12 If the exemption application is successful then the LA should issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. As section 166 has been in force since 2010, many LAs will already have processes in place for issuing exemption certificates, and as such we do not intend to prescribe the form that those certificates should take. We are however keen to ensure that passengers in wheelchairs are able to clearly discern whether or not a driver has been exempted from the duties to provide assistance, and as such will prescribe the form of and manner of exhibiting a notice of exemption.
- 4.13 If the exemption application is unsuccessful we recommend that the applicant is informed in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.

## Demonstrating exemptions

- 4.14 In addition to the exemption certificate, exempt drivers need to be issued with a notice of exemption for display in their vehicle.
- 4.15 The Department will soon make regulations which will prescribe the form of and manner of exhibiting a notice of exemption. Where a driver has been exempted from the duties under section 165 of the Act, they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations. If the notice is not displayed then the driver could be prosecuted if they do not comply with the duties under section 165 of the Act.
- 4.16 The Department aims to distribute copies of the notice of exemption to LAs, but they are of course free to produce their own in accordance with the regulations.
- 4.17 Only one exemption notice should be displayed in a vehicle at any one time.

## Appeals

- 4.18 Section 172 of the Act enables drivers to appeal against the decision of a LA not to issue an exemption certificate. That appeal should be made to the Magistrate's Court, or a sheriff in Scotland, and must be made within 28 days beginning with the date of the refusal.
- 4.19 LAs may choose to establish their own appeal process in addition to the statutory process but this would need to be undertaken rapidly in order to allow any formal appeal to the Magistrate's Court to be made within the 28 day period.

## 5. Enforcement

### Licensing measures and prosecution

- 5.1 It is important to note that a driver will be subject to the duties set out in section 165 of the Equality Act 2010 if the vehicle they are driving appears on the designated list of the LA that licensed them, and the LA has not provided them with an exemption certificate, regardless of where the journey starts or ends.
- 5.2 The Government expects LAs to take tough action where drivers breach their duties under section 165 of the Act.
- 5.3 LAs have wide-ranging powers to determine the rules by which taxis and private hire vehicles within their respective areas may operate. We recommend that they use these powers to ensure that drivers who discriminate against disabled passengers are held accountable.
- 5.4 If a driver receives a conviction for breaching their duties under section 165 of the Act, it would be appropriate for the authority to review whether or not they remained a fit and proper person to hold a taxi or PHV drivers' licence. The Government's presumption is that a driver who wilfully failed to comply with section 165 would be unlikely to remain a "fit and proper person".
- 5.5 Authorities might also apply conditions which enable them to investigate cases of alleged discrimination and take appropriate action, even where prosecution did not proceed.

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**SECTIONS 165 – 167 OF THE EQUALITY ACT 2010****POSITION STATEMENT****Introduction**

The Government commenced sections 165 and 167 of the Equality Act 2010, in so far as they were not already in force, on 6<sup>th</sup> April 2017.

Section 167 of the Act provides licensing authorities with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then place duties on the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.

The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act.

This allows Local Authorities to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.

In adopting this position statement, Redditch Borough Council has had regard to the guidance issued by the Secretary of State under section 167(6) of the Equality Act 2010.

**Maintaining a List of Designated Vehicles**

Section 167 of the Act permits, but does not require, licensing authority to maintain a designated list of wheelchair accessible hackney carriage and private hire vehicles.

Whilst not being under a specific legal duty to maintain a list of designated vehicles, Redditch Borough Council has decided that it will do so.

The list of designated vehicles will be published and maintained by Redditch Borough Council with effect from **1<sup>st</sup> December 2017**. This will provide a reasonable amount of time for drivers to make applications for exemption from the duties that will be placed upon them once a list of designated vehicles is published.

Once published, the list of designated vehicles will be available to access via the Redditch Borough Council website. A hard copy of the list of designated vehicles will also be provided on request. To request a hard copy of the list of designated vehicles you will need to contact Worcestershire Regulatory Services by emailing [wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk) or telephoning 01905 822799.

**Accessibility Requirements for Vehicles Included on the List of Designated Vehicles**

The Act states that a vehicle can be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.

Redditch Borough Council has decided that a vehicle will only be included in the authority's list if it would be possible for the user of a "reference wheelchair" to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair. For this purpose, a "reference wheelchair" is as defined in Schedule 1 of the Public Service Vehicle Accessibility Regulations 2000.

**The Duties Placed on Drivers of Designated Vehicles**

Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible hackney carriage and private hire vehicles.

The duties are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

The Act then goes on to define mobility assistance as assistance:

- To enable the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

It is an offence for the driver (unless exempt) of a hackney carriage or private hire vehicle which is on the licensing authority's designated list to fail to comply with these duties.



**Exemptions from the Duties Placed on Drivers of Designated Vehicles**

Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows licensing authorities to grant exemptions from the duties to individual drivers.

Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties.

If a licensed driver wishes to obtain an exemption from the duties placed on them under section 165, they must complete the relevant application form and submit this to the licensing authority alongside relevant supporting evidence. The supporting evidence must include a letter or report from the licensed driver's general practitioner.

If required, a licensed driver seeking to obtain an exemption from the duties, must submit to an examination by an independent medical practitioner appointed by the licensing authority. The decision as to whether an exemption is granted and for how long, will be taken by the Head of Worcestershire Regulatory Services.

If the exemption application is successful then the licensing authority will issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle.

If the exemption application is unsuccessful, the applicant will be informed in writing within a reasonable timescale and provided with a clear explanation of the reasons for the decision.

Section 172 of the Act enables drivers to appeal against the decision of the licensing authority not to issue an exemption certificate. That appeal should be made to the Magistrate's Court and must be made within 28 days beginning with the date of the refusal.

**Enforcement**

It is important to note that a driver will be subject to the duties set out in section 165 of the Equality Act 2010 if the vehicle they are driving appears on the designated list of the licensing authority that licensed them, and the licensing authority has not provided them with an exemption certificate, regardless of where the journey starts or ends.

Redditch Borough Council will look to take firm action where drivers breach their duties under section 165 of the Act and will use all their available powers to ensure that drivers who discriminate against disabled passengers are held accountable for their actions.

If a driver receives a conviction for breaching their duties under section 165 of the Act, the authority will review whether or not they remain a fit and proper person to hold a licence to drive hackney carriage or private hire vehicles.

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**REDDITCH BOROUGH COUNCIL****LICENSING  
COMMITTEE**17<sup>th</sup> July 2017**LICENSING ANNUAL REPORT**

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

To provide a report on the activities under the Licensing Act 2003, Gambling Act 2005 and other aspects of Licensing and to inform the Committee on any issues anticipated in the ensuing year as required under the Council's Licensing Act 2003 and Gambling Act 2005 Policies.

**2. RECOMMENDATIONS**

**Members are asked to RESOLVE;**

**The contents of the licensing Annual Report 2016/2017 be noted.**

**3. KEY ISSUES****Financial Implications**

3.1 None

**Legal Implications**

3.2 None

**Service / Operational Implications**

3.3 Since 1<sup>st</sup> June 2010 Worcestershire Regulatory Services Licensing Team has taken over operational delivery of the statutory functions of licensing and enforcement of regulated activities and businesses operating under the Licensing Act 2003 on behalf of Redditch Borough Council. These functions cover premises which sell and supply alcohol, provide regulated entertainment and late night refreshment, gambling premises, gaming machines and lotteries. The Licensing Team also deals with the operation and administration of Hackney Carriage/Private Hire vehicles, drivers and Operator's licenses, Street and House to House Collections. The Council retains full policy and statutory responsibility for all licensing functions.

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COMMITTEE****17<sup>th</sup> July 2017**

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- 3.4 Under the terms of the Licensing Act 2003 and the Gambling Act 2005, each local authority is required to prepare and publish a licensing policy which has to be reviewed periodically.
- 3.5 The Council's Statement of Principles under the Gambling Act 2005 was reviewed and a revised Statement of Principles was published with effect from 31<sup>st</sup> January 2016. The Statement of Principles will therefore be due for revision before 31<sup>st</sup> January 2019.
- 3.6 The Council's current Statement of Licensing Policy under the Licensing Act 2003 was published with effect from 1<sup>st</sup> October 2014. The Statement of Licensing Policy will therefore be due for revision prior to 1<sup>st</sup> October 2019.

**Licensing Act 2003**

- 3.7 The Licensing Act 2003 transferred the liquor licensing functions from the Magistrate's Court to the Local Authority and consolidated these activities with entertainment licensing legislation, the provision of late night refreshment, cinemas and theatres.
- 3.8 The number of new licenses issued and granted by Redditch Borough Council in the year 2016/17, together with the total number of licences issued, are:

Personal Licenses	New	52	Total	781
Premises Licenses	New	3	Total	219
Club Premises Certificates	New	0	Total	23
Temporary Event Notices			Total	71

- 3.9 The Licensing Sub Committee created by the Licensing Act 2003 to deal with applications, variations and reviews of licensed premises, met on one occasions during the year 2016/17. This hearing was to determine an application for variation of a premises licence, where representations were received and not able to be resolved.

REDDITCH BOROUGH COUNCIL**LICENSING  
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**Gambling Act 2005**

3.10 Last year saw the Council continue its functions under the Gambling Act 2005. This legislation replaced most of the existing law relating to gambling in Great Britain and, much like the Licensing Act 2003, aimed to put in place an improved, more comprehensive structure of gambling regulation. Once implemented the Act transferred the licensing of gambling premises from the local Magistrates Court to the Council. The Licensing Team now issue premises licenses for the following; bingo halls, betting shops, adult gaming centres, family entertainment centres and casinos.

3.11 The numbers of premises which have continued to be licensed by this Authority under the Gambling Act are:

Betting Premises	New	0	Total	10
Bingo Premises	New	0	Total	2
Adult Gaming Centres	New	0	Total	2
Family Entertainment Centres	New	0	Total	0
Casinos	New	0	Total	0

3.12 All yearly maintenance fees as set out in the Gambling Act 2003, which have been set by the Local Authority for the year ending 2016/17, have been received by the Authority.

**Taxi Licensing**

3.13 The Licensing Team is also responsible for the operational function of the licensing and enforcement of Hackney Carriage and Private Hire Vehicles, drivers and Operators.

3.14 There has been an increase of around 7% in the number of driver licences issued. The number of licensed hackney carriages has increased slightly and there has also been an increase of around 18% in the number of vehicles licensed to be used as private hire vehicles. The increase in the number of driver and private hire vehicle licences is similar to the increases seen between 2014/15 and 2015/16.

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COMMITTEE****17<sup>th</sup> July 2017**

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3.15 At present the following number of licences are valid.

	<u>15/16</u>	<u>16/17</u>
Hackney Carriage Vehicles	201	204
Private Hire Vehicles	203	239
Hackney Carriage / Private Hire Drivers	441	473
Private Hire Operators	14	14

3.16 During 2016/17, the Council took the decision not to implement a penalty points scheme for hackney carriage and private hire licence holders, but instead to allow a period of time for the Redditch Taxi Association to demonstrate that they can effectively self-regulate to reduce complaints about non-compliance with licensing requirements.

3.17 Consultation also took place on the recommendations made by the Overview and Scrutiny Committee's "Improving Access for People with Disabilities to Redditch Taxi Fleets" Short, Sharp Review during 2016/17. The results of this consultation are still under consideration.

3.18 During 2016/17, in response to a request from the licensed trade, the Council introduced an option for private hire operators to apply for a three year licence alongside the one and five year licences they could already apply for.

**Scrap Metal Dealers**

3.19 In October 2013 the Scrap Metal Dealers Act 2013 came into force in the District. Under this new legislation the Council is responsible for issuing mobile scrap metal collector licences and scrap metal site licences. The number of licences currently in force is:

	<u>16/17</u>
Site Licences	4
Mobile Collector Licences	13

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- 3.20 This represents a significant reduction in the number of licences in force compared to this time last year. This is because a number of licence holders did not renew their licences when they fell due for renewal towards the end of 2016. Work is ongoing to establish if any of those that did not renew their licence are still acting as scrap metal dealers.
- 3.21 The Licensing Team is responsible for enforcing the legislation in partnership with the Police and Environment Agency.
- 3.22 Worcestershire Regulatory Services Licensing Team members regularly attend and represent Redditch Borough Council at a number of local and regional meetings, such as the Institute of Licensing meetings, the Regional Taxi Licensing Forums and other neighbouring authority groups, which continue to prove to be invaluable, on providing information on national and regional licensing matters including upcoming changes in any licensing legislation.

**4. RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

- 5.1 None

**AUTHOR OF REPORT**

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**LICENSING  
COMMITTEE****17<sup>th</sup> July 2017****LICENSING COMMITTEE WORK PROGRAMME 2017/18****17<sup>th</sup> July 2017**

Wheelchair Accessible Vehicles – Further consideration of the results of the consultation on changes to policy proposed as a result of the work of the Overview & Scrutiny Committee Task Group on Improving Disabled People's Access to Redditch Taxi Fleet.

Equality Act 2010 – Section 167 – List of Wheelchair Accessible Vehicles

Annual Report 2016/17

**6<sup>th</sup> November 2017**

Draft Revised Street Trading Policy – Approval for Consultation

Review of Street Trading Street Designations

Further Consideration on the Introduction of a Penalty Point Scheme for Hackney Carriage and Private Hire Drivers. (To include a six month report on the monitoring of the self-regulating scheme run by Redditch Taxi Association)

Update on “Improving Disabled People's Access to Redditch Taxi Fleet”

**5<sup>th</sup> March 2018**

Street Trading Policy - Consultation Results

Update on “Improving Disabled People's Access to Redditch Taxi Fleet”

**To Be Allocated To Suitable Available Dates in 2017/2018**

Review of Policy on the Relevance of Convictions for Hackney Carriage and Private Hire Drivers

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