

Scrutiny Report

Committee: Community Services Scrutiny
Committee

Meeting or Proposed Decision Date – 11th
September 2024

Key Decision – no



Availability of wheelchair accessible taxis

Chair of Committee: N/A.

Executive Member(s): Lead Member for Communities, Housing and Culture.

Local Member(s) and Division(s) affected: All

Executive Director: Chris Hall, Executive Director for Community, Place and
Economy

Executive Summary

At its meeting on the 10th of April 2024, the committee resolved that 'wheelchair accessible taxi availability' be added to the forward plan.

This report sets out the current licensing policies and arrangements which affect wheelchair accessible taxi provision in Somerset

Recommendations

To note the report and make comments, observations and recommendations to the Licensing & Regulatory Committee and Licensing Manager.

Reasons for Proposals

This report does not contain any formal proposals.

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Background and purpose of report

1. There are almost no statutory specifications for hackney carriages (or ‘taxis’ as they are more commonly called) or private hire vehicles (PHVs). Taxis may be “...of any kind or description adapted to the carriage of persons...”; section 37 of the Town Police Clauses Act 1847 (as amended). In the case of private hire vehicles, section 48 of the Local Government (Miscellaneous Provisions) Act 1976 requires that a district council shall not grant a licence unless it is satisfied that the vehicle is:
 - (i) *“suitable in type, size and design for use as a private hire vehicle;*
 - (ii) *not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;*
 - (iii) *in a suitable mechanical condition;*
 - (iv) *safe; and*
 - (v) *comfortable;”*

2. Section 165 of The Equality Act 2010 (as amended) places duties on the drivers of designated wheelchair-accessible taxi and PHVs to provide physical assistance to passengers in wheelchairs and prohibits them from charging extra. Those duties are:
 - to carry the passenger while in a 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.

3. The Act defines ‘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. There are also duties on drivers to carry assistance dogs. Drivers can be exempted from all of the above-mentioned duties if there are medical grounds or the driver's physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
5. There are currently no accessibility specifications for vehicles (section 163 provides for taxis to have to conform to accessibility regulations in order to be granted a licence but has not been brought into effect). The Act does require licensing authorities to maintain and publish a list of licensed, accessible taxis and PHVs. There are four lists available to view on the Council's website currently relating to the administrative areas of the predecessor councils: [click to view](#). The effectiveness of the list relies on proprietors being willing to consent to having their phone number and/or email address published. Consent is necessary for GDPR/data protection purposes.
6. District councils (including unitary councils) have discretion to determine their own taxi and PHV specifications, which includes whether they should be wheelchair accessible.
7. The Licensing Manager is in the early stages of harmonising the policies and arrangements that relate to the licensing of taxis and PHVs, their drivers and private hire operators.
At this moment in time, this licensing function is almost entirely unchanged from the way it was exercised by each of the predecessor district councils, due to the continuation of the five policies that were in existence at the time of the creation of Somerset Council. There are five licensing 'zones', governed by a different policy:

| Zone | Policy document |
|----------------|---|
| Sedgemoor | Guidance & Statement of Policy - Licensing of Hackney Carriage & Private Hire Vehicles, Drivers and Operators |
| Mendip | Taxi and Private Hire policy |
| South Somerset | Hackney Carriage and Private Hire Licensing Policy |
| Taunton Deane | Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook |
| West Somerset | Hackney Carriage/Private Hire Regulations |

8. Each zone document sets out the certain specifications and policies that are relevant to the taxis licensed to ply and stand for hire in that specific zone, and PHVs licensed to be operated from that zone.
9. None of the policy documents mentioned above require PHVs to be wheelchair accessible. Local authorities generally focus wheelchair

accessibility requirements on taxis, given that, unlike PHVs, they can be immediately hired in a public place.

10. Only drivers licensed to work in the South Somerset zone are currently required to complete disability awareness training prior to being granted a licence. Such training has to be done with 'a recognised training provider'.
11. There are currently no taxi 'quantity restrictions' in any of the five zones i.e. policies limiting the number of taxis that can be licensed (where it has been proven there is no unmet demand).
12. The wheelchair accessibility requirements for taxis in each of the five zones are as follows:

| Zone | Total no. of taxis | Accessibility policy/ requirements | Actual no. of wheelchair accessible taxis | % of all total taxis wheelchair accessible |
|---------------|---------------------------|--|--|---|
| Sedgemoor | 89 | Maximum 59 non-wheelchair accessible taxis. | 31 | 35% |
| Mendip | 151 | None. | 9 | 6% |
| South | 119 | Minimum 25% of all taxis must be wheelchair accessible | 24 | 20% |
| Taunton Deane | 148 | Maximum 65 non-wheelchair accessible taxis | 60 | 41% |
| West Somerset | 31 | Maximum 28 non-wheelchair accessible taxis | 8 | 26% |

Figures correct as of 12th June 2024

13. The district councils of Sedgemoor, Taunton Deane and West Somerset all, at one time had taxi quantity restrictions. Between the years 1998 and 2006, each council independently lifted those restrictions whilst simultaneously resolving that any future licences would only be granted to taxis that were wheelchair accessible. This was in response to Government policy on the Disability Discrimination Act 1995 at the time, which included an 'timetable' within which all taxis would need to be wheelchair accessible. Vehicles already licensed at the time were 'protected' from having to be replaced immediately with a WAV. The Government's timetable was extended and later abandoned, as it became widely accepted that WAVs were not universally

accessible, meaning the three aforementioned councils did not pursue full wheelchair accessibility policies further.

14. The maximum number of non-wheelchair accessible taxis in the Sedgemoor, Taunton Deane and West Somerset zones simply represents the total number of taxis that were licensed at the time that the district councils removed the quantity restrictions and introduced WAV requirements.
15. In January this year, the percentage of WAVs in the South Somerset zone reached the minimum 25%. On the 24th of January, the Licensing service gave notice to the trade that from the 1st of February 2024, taxi vehicle licences would only be granted to WAVs, until such time as the percentage of WAVs rose above 25% (in accordance with policy). A period of just over seven days grace was given to avoid refusing licences to proprietors who had committed, financially, to a non-WAV, unaware of the impending change in position of the Council. In that time, a number of licence applications relating to non-WAVs were submitted and granted, thus taking the overall percentage to below the 25% minimum.
16. Vehicles which have been adapted to carry persons sat in their wheelchairs can cost tens of thousands of pounds more than non-adapted vehicles and, consequently, it is the latter which are often more appealing to taxi proprietors when renewing or expanding their fleet. It is common knowledge that, in the Sedgemoor, Taunton Deane and West Somerset zones, licensed non-WAVs and their associated licence plates are traded between proprietors for four figure sums; this is viewed by some as an easier and less costly way to enter the taxi market. This is not dissimilar to the way that licence plates are traded in local authority areas where quantity restrictions exist.
17. The Licensing service has heard from a variety of sources that there are wheelchair users struggling to use taxis in parts of Somerset, particularly in Taunton and Yeovil, and during the evening and at weekends. The Council was contacted by the Quality Lead for Mental Health, Learning Disabilities and Autism for NHS Somerset in April, in which the following feedback was given on behalf of people with disabilities in Somerset:
 - *“It can be hard to book a cab if you need to take your wheelchair e.g. – no flexibility.”*
 - *“You have to book weeks in advance and sometimes it gets cancelled at short notice.”*
 - *“They feel it is because providing transport to a disabled person takes more time and effort (and an adapted vehicle at times) (and therefore cost) and as such, taxi services don’t give it much time.”*

18. In an effort to tackle the issue and connect wheelchair users with taxi proprietors capable of conveying them, the Licensing Manager has recently engaged with proprietors in the Taunton Deane zone to encourage more of them to consent to having their contact details on the list of accessible vehicles. Seven willing and able proprietors have now given consent, including a number of 'independents'. The list includes Jared Colclough of Grab-A-Cab Taunton Ltd, who suggested that the availability of WAVs in Taunton is caused by factors such as:

- Drivers being lazy and put off by not being able to charge for the time taken to provide assistance at the beginning and end of the hire of the vehicle.
- Vehicles deliberately left cluttered and without the space to accommodate a wheelchair.
- A lack of training on how to convey wheelchairs safely and securely.
- Poorly maintained equipment.
- Sanctions against those drivers that flatly refuse or just drive off not being harsh enough.

19. As indicated earlier in this report, disability training is only currently mandatory in one of the five taxi licensing 'zones'

20. Any allegations of drivers refusing to hire their vehicle to wheelchair users without a valid reason are treated with the utmost seriousness. Where there is evidence to prove allegations, tough penalties are considered. In 2021, upon the recommendation of the Licensing Manager, the Licensing Sub-Committee of Somerset West and Taunton Council suspended the hackney carriage and private hire driver's licence of an individual found to have refused to carry a wheelchair user.

21. On the 20th of August 2020, the Disabled Persons Transport Advisory Committee (DPTAC), "*an independent expert committee established by the Transport Act 1985, providing advice to the government on the transport needs of disabled people*", published its position on taxi and PHVs. This can be read in full online here: [DPTAC position on taxis and PHVs - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/454241/dptac_position_on_taxis_and_phvs.pdf) A number of notable comments and recommendations are made, including:

- (a) Licensing authorities should make drivers aware of the breadth of their duties, provide training on how to carry out the full extent of their role and discipline those who provide an inadequate service.

- (b) WAVs are essential for those who have to travel sat in their wheelchair but, for a significant number of disabled people, are difficult to use, *“...particularly those using artificial limbs and others with restricted mobility.”*
- (c) Until there is a universally accessible vehicle, taxis should be a mixture of WAVs and 'saloons'.
- (d) Encouraging the uptake of WAVs through local authorities abolishing licence fees for WAVs, subsidising the purchase of WAVs or a combination of the two.

22. In 2022, when the Department for Transport (DfT) consulted on proposed changes to its best practice guidance to local authorities in relation to taxi and PHV licensing, DPTAC published its response. This can be read in full here: [DPTAC response to taxi and private hire vehicle best practice guidance consultation 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/dptac-response-to-taxi-and-private-hire-vehicle-best-practice-guidance-consultation-2022).

23. The DfT published the revised guidance on the 17th of November 2023. That can be read in full here: [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england) Section 4 sets out the Department's guidance on 'Accessibility'. For quick reference, section 4 is attached as **Appendix 1**.

24. The Department's view on how local authorities should approach accessibility, which is through the development and maintenance of an 'inclusive service plan' (a new concept), is summarised at section 8.9 of the guidance, as part of the section relating to 'Vehicle licensing':

“An accessible fleet

“The physical accessibility of vehicles used to provide taxi and private hire vehicle services is a significant factor in the inclusivity of the overall service provided. Wheelchair accessible vehicles are essential for wheelchair users who are unable to transfer from their wheelchair to the vehicle, or who prefer to travel in their wheelchair.

“Licensing authorities should understand the demand for mixed fleets in its area and ensure that, when issuing licences, it has the right mix of vehicles. They should recognise that some designs of wheelchair accessible vehicles may not be suitable for some ambulant disabled passengers.

“Licensing authorities should assess the demand for wheelchair accessible vehicles in its area on a 5-yearly basis and publish the results. If demand is not currently met, it should also provide an explanation about how the licensing authority plans to meet this demand. Licensing authorities should

consider ways to incentivise an increase in wheelchair accessible vehicle provision. This may consist of licence fee rebates, access to bus lanes where agreed with the local highways authority, relaxation of other licensing requirements where it would otherwise be difficult to source appropriate wheelchair accessible vehicles, priority roadway access and, in the case of taxis, rank access.”

25. The Licensing Manager is in the process of drafting a new hackney carriage and private hire licensing policy for Somerset, which would see the entire regime harmonised. Such a document would set out a number of policies and arrangements, including the following:

(a) Aim, purpose and justification for the policy.

(b) Decision making protocols.

(c) Whistleblowing policy.

(d) Approach to enforcement, which could include use of a penalty points system.

(e) Full arrangements for driver licensing, including:

(i) Arrangements for determining applicants' right to work in the UK.

(ii) Language comprehension.

(iii) Medical standards.

(iv) Background checks e.g. DBS and certificates of good conduct from applicants that have lived overseas.

(v) Policy on criminal convictions etc.

(vi) Tax conditionality.

(vii) Driving proficiency.

(viii) Safeguarding awareness.

(ix) Disability awareness

(x) Knowledge test.

(xi) Use of NR3S (national register of refusals, revocations and suspensions).

(xii) Licence conditions.

(f) Full arrangements for vehicle licensing, including:

(i) Whether or not to maintain geographical zones.

(ii) Exercising control of hackney carriage quantity restrictions, or not as is currently the case.

(iii) Any age restrictions.

(iv) Environmental policy.

(v) Vehicle specifications and accessibility

(vi) Background checks on vehicle proprietors.

(vii) Policy on criminal convictions etc.

- (viii) Vehicle testing.
- (ix) Roof signs and advertising policies.
- (x) Limousines and other specialist vehicles.
- (xi) Licence conditions.

- (g) Full arrangements for private hire operator licensing, including:
- (i) Background checks on vehicle proprietors.
 - (ii) Policy on criminal convictions etc.
 - (iii) Record keeping requirements.
 - (iv) Requirements for vetting booking and dispatch staff.
 - (v) Licence conditions.

- (h) Fee setting.

26. The order in which the Licensing Manager is working to harmonise the policy is as follows:

- 1) Vehicle testing;
- 2) Wider policy;
- 3) Vehicle specifications and accessibility and whether or not to maintain geographical zones.

27. The Licensing & Regulatory Committee has already made a resolution to adopt a new policy on vehicle testing and emergency equipment to be implemented ahead of the wider policy. This was brought forward to allow the Council's in-house test stations in Yeovil and Bridgwater to 'step away' from taxi and PHV testing and in turn, expedite the nomination of external test stations for that purpose.

28. The Committee has also requested that the Licensing Manager review and harmonise safeguarding awareness and training as a matter of some urgency. This can be advanced as part of the drafting of the wider policy, with the aim being to publish a draft for consultation before the end of 2024.

29. Clearly, the 'Vehicle specifications and accessibility' element of a new policy cannot be determined until an inclusive service plan (ISP) is created. This element is more complex than any other of a taxi and private hire licensing policy and there are currently no known examples of ISPs for this authority to learn from. To avoid delaying the harmonisation of safeguarding awareness and training, along with the other elements of a policy listed at paragraph 4.5, the Licensing Manager intends to treat 'Vehicle specifications and accessibility' as piece of work in its own right.

30. The DfT best practice guidance discourages councils from maintaining geographical zones as a legacy from boundary changes. This is something the Council should consider. The Licensing Manager believes that any decision to amalgamate the zones should not be taken until the ISP and

vehicle specification and accessibility policy are formed, since the existence of zones could be used as a means to control WAV numbers and ensure service demand and need is met in local areas.

Links to Council Plan and Medium-Term Financial Plan

31. There are no direct links to the Council Plan and Medium-Term Financial Plan

Other options considered

32. This report does not relate to any formal proposals.

Key considerations for the Council

Scrutiny comments / recommendations:

33. To be recorded after the meeting.

Consultation and feedback

34. The Licensing service will create an ISP after consultation, having particular regard for the views of disabled people, potential disabled passengers and organisations representing the interests of disabled people and people with other protected characteristics.

Financial and Risk Implications

35. This report does not relate to any proposals and therefore there are no financial and risk implications. It is provided to be discussed, and for comments, observations and recommendations to be made to the Licensing & Regulatory Committee and Licensing Manager.

Current Risk Score:

| | | | | | |
|-------------------|-----|---------------|-----|-------------------|-----|
| Likelihood | N/A | Impact | N/A | Risk Score | N/A |
|-------------------|-----|---------------|-----|-------------------|-----|

Projected risk score if recommended actions are agreed and delivered:

| | | | | | |
|-------------------|-----|---------------|-----|-------------------|-----|
| Likelihood | N/A | Impact | N/A | Risk Score | N/A |
|-------------------|-----|---------------|-----|-------------------|-----|

Legal and Procurement Implications

36. There are no legal or procurement implications.

HR / Workforce Implications

37. This report does not relate to any proposals and therefore there are no HR or workforce implications. It is provided to be discussed, and for comments, observations and recommendations to be made to the Licensing & Regulatory Committee and Licensing Manager.

Equalities Implications

38. There are no proposals, and therefore no Equalities implications at this stage. The creation of an ISP will help the Council to understand the taxi and PHV needs of disabled people in Somerset, and inform future decisions which will determine taxi and PHV licensing/accessibility requirements.

Community Safety Implications

39. There are no community safety implications at this stage.

Climate Change and Sustainability Implications

40. There are no climate change and sustainability implications at this stage.

Health and Safety Implications

41. There are no health and safety implications.

Health and Wellbeing Implications

42. There are no health and wellbeing implications at this stage.

Social Value

43. Since this report does not relate to the procurement of goods or services, there are no social value implications.

Background Papers

44. None.

Appendices

1. Extract from the DfT 'Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England'.

Report assurance checklist ahead of report publication (for Audit, Executive, Full Council and Scrutiny Committees)

| | Officer Name | Date Completed |
|---------------------------------|----------------------------------|----------------|
| Legal & Governance Implications | David Clark | |
| Finance & Procurement | Nicola Hix | |
| Workforce (*) | Dawn Bettridge | |
| Asset Management (*) | Oliver Woodhams | |
| Executive Director | Relevant Executive Director | |
| Executive Lead Member | Relevant Lead Member | |
| Consulted: | Councillor Name | |
| Local Division Members | List local members | |
| Opposition Spokesperson(s) | Relevant Opposition Spokesperson | |
| Relevant Scrutiny Chair(s) | Relevant Chair | |

Note:

Directors may nominate additional officers to act on their behalf

(*) – these areas only need to be consulted on proposals if the proposals have workforce or asset management implications

Reports will not be published if assurance checklist has not been adequately completed – report author to liaise with Democratic Services well ahead of publication deadlines.