

Committee: Licensing Committee

Agenda Item

Date: 16 September 2009

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Title: Disability Discrimination Act 1995

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Item for
decision

Summary

- 1 This report has been prepared following correspondence received from the Spinal Injuries Association.

Recommendations

- 2 Members note the content of this report and wait for further guidance from the Department of Transport.

Background Papers

Spinal Injuries Association

Taxi Charter and corresponding letter

Reply from Robert Page – Hackney Carriage Proprietor

Reply from Barry Drinkwater – Private Hire Operator and Chairman of ULODA

Impact

Communication/Consultation	Consultation has taken place with the Licensing Trade and the Uttlesford Access Group
Community Safety	The main aim of the Hackney Carriage and Private Hire Trade is to secure the safety and comfort of the travelling public which does include the needs of the disabled traveller
Equalities	Transport should be available to the needs of all of the travelling public
Finance	None.
Human Rights	None.
Legal implications	The Disability Discrimination Act 1995 applies throughout England and Wales
Sustainability	Guidance is still awaiting from the Department of Transport regarding vehicle specifications
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

- 3 The Disability Discrimination Act 1995 allows regulations to be prescribed which sets standards for wheelchair accessible hackney carriage vehicles. This Act does not apply to Private Hire Vehicles.
- 4 The Department for Transport which is responsible for introducing this legislation has received a number of representations making the case for a broader range of disabled people's needs to be met in any regulations that may be introduced rather than restricting the requirements to only wheelchair users.
- 5 The issue is a complex one and should be viewed with disabilities of all kinds rather than be confirmed to wheelchair users. It is for this reason that regulations are still to be made.
- 6 Some authorities have already introduced policies that require new Hackney Carriage Vehicles to be wheelchair accessible. This authority has refrained from doing so as no specific vehicle has been approved due to regulations not being introduced. It would be premature to introduce such a policy as there could be a serious financial implication placed on a hackney carriage proprietor if they were to purchase such a vehicle that did not meet the type approval specification.
- 7 It should be noted that a disability may come in various forms in which an individual may be perfectly capable of using a Hackney Carriage without the need for that vehicle to be wheelchair accessible.
- 8 Currently proprietors can provide a good service to a disabled traveller without the need to resort to a wheelchair accessible vehicle.
- 9 On 31 May 2006 Members of this Committee were advised by the Licensing Officer that the then Minister of Transport had announced a timetable for the introduction of a vehicle capable of carrying a wheelchair fare paying passenger from 1 January 2010. This was to be phased in over a ten year period with licensing authorities being placed in the category of first or second phase authorities. This authority had been deemed by the government as a First Phase Authority due to the reasoning that it had a major transport intersection in its district.
- 10 The Government's view has now changed and the statement originally made by the Transport Minister has been amended and it is now intended as a discussion document and not to be interpreted giving the impression that regulations would be forthcoming.
- 11 It was also noted at the meeting on 31 May 2006 the policy adopted by the National Taxi Association which prohibits the rear loading of a wheelchair passenger, however our local access group did make comment that in some cases this may be the only suitable method of operation in the loading and unloading of a wheelchair passenger. Currently the Department of Transport do not have a policy on this issue.
- 12 It is clear when regulations are introduced the Department for Transport does support the suggestion of a mixed fleet. This does seem a sensible approach

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and would appear to be appropriate for this district. Currently there are 44 Hackney Carriage Vehicles licensed in this district which range from a sole proprietor to one with more than one vehicle.

- 13 It would seem appropriate for sole proprietors that when regulations are introduced and when they intend to replace that vehicle then the new one should be wheelchair accessible. In the case of the proprietor with more than one licensed hackney carriage vehicle then at least a percentage should be wheelchair accessible when replacements are made to their fleet. It is considered that a figure of 10% should be aimed at.
- 14 The issues regarding appropriate driver training, taxi ranks etc can be addressed later via the Quality Taxi Partnership initiative.
- 15 Local authorities such as Uttlesford should be mindful that if regulations requiring all hackney carriages be wheelchair accessible are introduced then there could be an unacceptable reduction in the number of taxis in the district.
- 16 If that position were to transpire then a local authority could apply to the Secretary of State for consideration of issuing an exception to these regulations.
- 17 Provisions do already exist within our district in the form of the Uttlesford Community Travel Scheme which does provide service for the disabled traveller, however it only operates between the core hours Monday to Friday and not at weekends.
- 18 A reply on this document has been received from Barry Drinkwater the Chairman of ULODA and Robert Page who is a Hackney Carriage Proprietor

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The number of Hackney Carriage Vehicles in the district reduces	High 4 The cost of purchasing an accessible vehicle is substantially higher than normal type vehicles	High 4 There may be insufficient vehicles available for immediate hire by people with or without disabilities	The Hackney Carriage Trade could ask the authority to apply to the Department for Transport for an exemption under the Act. Some Private Hire companies may station dedicated telephones at suitable locations