

# **FAREHAM**

## **BOROUGH COUNCIL**

### **Report to Licensing and Regulatory Affairs Committee**

**Date**                    **13 June 2017**

**Report of:**        **Head of Environmental Health**

**Subject:**        **Taxis and Wheelchair Accessibility**

#### **SUMMARY**

In 2004 and in 2008 the Licensing and Regulatory Affairs Committee considered the requirements of the Disability Discrimination Act 1995 in relation to wheel chair accessible Hackney Carriage vehicles. This report updates the Committee on the current situation regarding wheelchair accessible vehicles in the Borough.

#### **RECOMMENDATION**

That Members consider whether the current arrangements for wheelchair accessible vehicles are sufficient.

## **INTRODUCTION**

1. A report to the Licensing & Regulatory Affairs Committee in 2004 reported on how the Government had decided to implement the taxi provisions of the Disability Discrimination Act (DDA) 1995 in England and Wales over a ten year period (2010-2020) on a phased basis.
2. The decision can be seen in the Minutes of that meeting linked via the Background Papers.
  - (a) that the proposed changes to the requirements for Taxi Accessibility under the Disability Discrimination Act 1995 be noted; and
  - (b) that the officers be requested to note members' comments concerning the report, including the differing types of hackney carriage vehicle preferred by all the different sections of the community, the financial and health and safety implications for the taxi trade, the need for the Council to consult with representatives of the trade on the requirements of the Act and the criteria used to select the licensing authorities in the 'first phase'.
3. Further updates were taken to the Licensing & Regulatory Affairs Committee on the following dates:
  - March 2008
  - March 2009
  - March 2011

## **CURRENT SITATUION**

4. There has been no further guidance from the Government since the last report was taken to the Licensing & Regulatory Affairs Committee. In 2008 the Department for Transport were working on developing technical specifications to form the basis of the design and performance requirements for accessible taxis. This has not been produced to date. This failure to produce a basic design is in itself a problem to the Taxi Trade as vehicles are already available that are wheelchair accessible but these are expensive and if a mandatory design for accessible vehicles is then produced, the operators may be faced with considerable additional costs.
5. Fareham Borough Council currently has 3 wheelchair accessible vehicles licensed as Hackney Carriages. This represents approximately 1% of the 306 Hackney Carriages currently licenced. This number has diminished from 9 (3%) in 2008 and is likely to be due to vehicles getting older and not being replaced like for like.
6. There are many private hire companies outside of the Borough who can provide wheelchair accessible vehicles. Private Hire vehicles (PHV) are allowed to pick up and drop off anywhere whereas Hackney Carriage vehicles have to pick up or drop off in the area they are licensed.

7. The following are figures for wheelchair accessible vehicles in local authorities which are near to or border Fareham Borough Council area:
- (a) Gosport – 38 HC 0 PHV
  - (b) Eastleigh – 5 HC 47 PHV
  - (c) Havant – 7 HC 12 PHV
  - (d) Portsmouth – 85 HC 27 PHV
8. The Licensing section has received no direct complaints in the last year (1 indirect) and generally receives very few complaints. When they do receive a complaint it is generally at a time such as Christmas when there is a higher demand than usual for all taxis.

### **RISK ASSESSMENT**

9. There are no significant risk considerations in relation to this report

### **CONCLUSION**

10. From 6 April 2017 it was illegal for the drivers of wheelchair accessible vehicles to discriminate against wheelchair accessible users. In a change to the law, drivers found to be discriminating against wheelchair users face fines of up to £1,000 as part of provisions being enacted from the Equality Act. Drivers may also face having their taxi or private hire vehicle (PHV) licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons will be able to apply to their licensing authority for an exemption from the new requirements.
11. However, neither the proposed guidance or technical specifications for wheelchair accessible vehicles have been forthcoming.
12. Therefore the situation regarding the provision of wheelchair accessible vehicles is unchanged.

### **APPENDICES**

None

### **Background Papers:**

- a. [The Disability Discrimination Act 1995](#)
- b. [Statement of Mr McNulty \(Under Secretary of State for Transport and Excerpt from Taxi Accessibility Regulations – Department for Transport](#)
- c. [Report of the Chief Health and Regulatory Services Officer - The Disability Discrimination Act 1995 - First Phase of Taxi Provisions - 21 July 2004](#)
- d. [Minutes of the meeting held 21 July 2004.](#)
- e. [Report of the Director of Regulatory Services – The Disability Discrimination Act 2005 in Relation to Taxis – March 2008.](#)
- f. [Minutes of the meeting held 18 March 2008.](#)

- g. [Report of Director of Regulatory Services – Disability Discrimination Act 1995 \(Taxis\) 17 March 2009](#)
- h. [Minutes of the meeting held 17 March 2009.](#)
- i. [Report of Director of Regulatory and Democratic Services – Taxi Wheelchair Accessibility – 22 March 2011](#)
- j. [Minutes of the meeting held 22 March 2011](#)

**Reference Papers:**

None

**Enquiries:**

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