

RESPONSES FROM WYRE FOREST DISTRICT COUNCIL

in relation to

DEPARTMENT FOR TRANSPORT (DfT) CONSULTATION
- IMPROVING ACCESS TO TAXIS : FEBRUARY 2009

PART A - OVERVIEW

1. Wyre Forest District Council has a population of 98,000 and is situated in North Worcestershire. It consists of Kidderminster (population of 56,000) and the market towns of Stourport on Severn (population of 29,700) and Bewdley (population of 12,300).
2. Until September 2005 Wyre Forest District Council was regulated as to the number of Hackney Carriages which could be licensed. There were 73 Hackney Carriage vehicles, of which 4 were wheelchair accessible and a Private Hire fleet of approximately 25 vehicles, a mixture of private saloons and mini bus vehicles.
3. In September 2005, the Council made the decision to deregulate over a period of three years, and full deregulation took place in 2008. In addition, the Council adopted a Wheelchair Accessible Vehicle Policy which required all new vehicles to be fully accessible and existing saloon vehicles to become accessible upon the expiry of the current licences.
4. It is anticipated that the whole fleet will be required to be wheelchair accessible by 2013, and the Council currently has approximately 41-42% accessible vehicles.
5. The rationale behind the Deregulation Plan was that, by allowing a long lead-in period (and one year derogation at the beginning), any financial implications for the Trade could be mitigated. In addition, the Council could not licence and maintain a ratio of wheelchair accessible vehicles to saloons using the existing Licensing Legislation.
6. The local disabled group, Disability Action Wyre Forest, supports the Council action and has firmly recommended that a minimum of 75% of Hackney Carriages be wheelchair accessible. The Council will attain 100% for the reasons stated, and to ensure fairness and consistency and a level playing field for all.

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Appendix 2

7. The Council has been legally challenged on two occasions (multiple appeals) in respect of the conditions attached to licences. To date, the Council has been successful in defending its Policy of 100% wheelchair accessibility and the Council welcome your comments, namely *“We do not want to create any difficulties for a local Licensing Authority who may already have adopted a policy of only licensing wheelchair accessible taxis”*.
8. Experience within Wyre Forest has shown that many people who take issue with access to wheelchair accessible cabs in the main telephone their request for a service i.e. Private Hire. The Council’s Policy will still retain saloon vehicles within the Private Hire Fleet which will be available to those who request them. To date there has not been a noticeable shift from Hackney Carriage to Private Hire following the introduction of the Policy and the Council currently has a fleet of 98 vehicles. This is a large increase from the time when the Council was in regulation.
9. **With regard to the options within the Consultation, Wyre Forest District Council would strongly recommend Option 2 of adopting an interim standard of 100% compliance for all vehicles, i.e. all Hackney Carriages within a fleet would have to comply and be wheelchair accessible along the lines of the Policy already adopted by Wyre Forest District Council.**
10. **The above must be achieved by Regulation stating that all vehicles in the Hackney Carriage fleet must meet the standard.**
11. Please note that, in order to try and meet the needs of all disabled passengers, Wyre Forest District Council has been in contact with some vehicle manufacturers with a view to further adapting existing vehicles so that they better meet the needs of a larger range of disabled users.
12. The District Council would also take issue with some of the costings used in the Impact Assessments as within the Wyre Forest area, wheelchair accessible vehicles such as the Fiat Scudo are being purchased for as little as £12,000. They are also available second hand (Wyre Forest District Council allows vehicles to be licensed for the first time up to two years old) and leasing arrangements can further affect the cost to the Trade.

PART B - RESPONSES

The Council will now address specific Questions within the Consultation as follows:

Question 1

1. *What is your view of the analysis and data included in the Impact Assessment?*

Do you have any further or more accurate data that you would be able to send us?

The analysis confirms that the coverage of wheelchair accessible vehicles is variable. Sixty-four authorities have a fully wheelchair accessible fleet and it is a matter of grave concern that a number of Councils do not have a single accessible vehicle available, and a third of authorities have less than 10% wheelchair accessible vehicles.

The consultation quotes the cost of a new wheelchair accessible taxi as between £20,000 - £30,000. Evidence within Wyre Forest both anecdotal and from trade publications would indicate that converted vehicles can cost much less – approximately £12,000 is possible.

The Council agrees with the Impact Assessments' contention that any regulation in this area would have to require **100% compliance with accessibility** standards due to the contestability of Local Authority Conditions.

The Council also has some information regarding make up of fleets etc which it is happy to supply.

Question 2

2. *What do you think are the potential impacts, costs and benefits of the 'do nothing' scenario*

The Council agrees that the 'do nothing' scenario would mean it would take many years for any meaningful growth in the number of accessible taxis to take place. The cost to Councils would likely increase as they would attempt to bring in policies requiring an increase in the number of accessible vehicles and would be almost certainly be challenged legally by the Trade.

Experience has shown that when left to its own devices the Trade will not willingly provide meaningful numbers of accessible vehicles. If such vehicles are more expensive to purchase, and more expensive to run, then in a situation which allows a choice, why would you choose the more expensive option?

Another issue, which has not been mentioned within the Consultation, is Safety.

Wyre Forest District Council is introducing fully accessible vehicles under the banner of "Accessibility, Safety and Quality". Fully accessible vehicles are able to be, or should be fitted with a bulk head which protects the driver and the passenger. Although saloons can be fitted with driver 'bubbles', these are not as effective and are capable of being removed. Also, purpose built or factory converted vehicles, as is confirmed in the Impact Assessments, last longer than saloon vehicles. This is presumably because of a superior build quality which will be apparent to users as the taxis age.

Question 3

3. *Do you have any further or accurate data on potential costs and benefits of a 'do nothing' scenario that you would be able to send us?*

One of the problems with the 'do nothing' scenario not mentioned within the Consultation is the 'sticky issue' of plate values. Whilst this Authority was in Regulation, anecdotal evidence would indicate that saloon car plates were being sold for between £10,000 - £20,000.

In any solution which supports the concept of grandfather rights, the vehicle plates with protected rights would have a value, as the cars are cheaper to buy and maintain.

Question 4

4. *What type of guidance would be most effective, In what format should it be produced, and what can the DfT do to promote take up?*

Licensing Authorities and Taxi Operators must be given clear guidance as to the choice of vehicle as, if given the opportunity, Operators will choose the cheapest option.

This guidance would not only have to indicate technical standards but would have to indicate that all vehicles within the Hackney Carriage fleet or Private Hire fleet would have to comply with the standard. Experience has shown that there is no effective way of licensing a proportion of the fleet as wheelchair accessible and another proportion as non-accessible under existing taxi legislation.

Question 5

5. *What do you think of the draft technical specification? Do you think that it would help to improve levels of accessibility and which aspects of it could be delivered easily and which ones would be problematic?*

As the majority of purpose built and converted vehicles would already comply with the interim standard this would appear to offer an effective way of providing accessible vehicles to the public.

Question 6

6. *What do you think are the advantages and disadvantages of DfT funded demonstration schemes?*

For any demonstration scheme to be effective it would have to take place over a reasonable period of time, possibly years. and this would be far too long. Many local authorities are already struggling to introduce accessible policies and it would appear from the DfT's own information that 16 local authorities have no accessible vehicles whatsoever. It is the Council's view that any undue delay in deciding a firm course of action following this Consultation would only lead to confusion and possible legal challenges.

Questions 7, 8 and 9

7. *What do you think would be the most effective way of influencing licensing authorities, drivers and manufacturers?*

What are your views on the Government's proposal to amend and commence section 36, of the Disability Discrimination Act (DDA) What additional enforcement action or tools would be the most effective ways of improving driver behaviour and attitudes?

The introduction of the interim standard supported by legislation and applying to all of the Hackney Carriage fleet would be the most effective way of providing for disabled passengers. Local Authorities already have the power to condition Disability Training, and indeed this Council ensures that all drivers are fully trained. Once a fleet reaches a significant level of accessible vehicles then many of the problems described will disappear.

A close relationship with local disabled groups is recommended so that the licensing authority can be aware of the needs of all disabled people and can help improve the attitude of operators and drivers.

Question 10

8. *What measures do you think could act as positive incentives to improve driver behaviour and the levels of service offered to disabled people?*

Regulation, Training and regular interaction between the Trade and disabled groups to ensure that all are kept up to speed with good practice guidance and any problems can be dealt with promptly.

Question 11

9. *In relation to improving access to taxis, what do you think the DfT and local licensing authorities could do better or more effectively?*

The only way to guarantee particular types of taxi at certain locations is by regulation, either by stating that the whole fleet must be to a particular standard, or by stating that taxis of a certain standard can service certain transport hubs.

School contracts are also a major source of income for taxi operators and the Council is aware that many authorities letting these contracts are not insisting on accessible vehicles. In fact, the contrary is true that County Councils in two tier areas are selecting the lowest common denominator. If local education authorities insist on taxis complying with the draft interim standard compliance will be easier to achieve.

Question 12

10. *How could we help to increase the availability of accessible taxis and Private Hire vehicles at ports, airports, bus and rail stations.*

Must be attractive to operators either through tariff, licence fees or level of custom.

Question 13

11. *How could we improve the consistency and quality of information provided to disabled people about taxis?*

Local Licensing Authorities should ensure that formal links are created with local groups representing the disabled. Local taxi forums should be established whereby the Trade, Licensing Authority and disabled groups and other stakeholders such as the Police can meet and discuss matters of mutual interest and concern.

With the help and endorsement of local disabled groups, leaflets could be prepared.

Question 14

12. *What do you think are the potential impacts, costs and benefits of a pro-active programme of DfT led initiatives?*

The problem with initiatives and guidance is that it is open to interpretation and thus legal challenge from the Trade. The Council's view is that a technical standard, preferably the Interim, should be adopted, by regulation, thereby ensuring the compliance by 100% of the Hackney Carriage fleet. Private Hire vehicles could remain as saloons but still adhering to a lesser standard.

In the Council's view is that it has to be 100% unless primary legislation is amended.

Question 15

13. *Do you have any further or more accurate data on potential costs and benefits of a programme of DfT led initiatives that you would be able to send us ?*

The problem with guidance and initiatives is that they are susceptible to challenge. This Council has incurred significant legal bills over the last 4 years defending a variety of appeals and a variety of subjects. Details of legal costs could be made available if required, together with an estimate added cost to Officers for dealing with these issues.

Question 16

14. *What do you think about the draft technical specification?*

The interim specification is achievable now by most vehicles and would appear to be a sensible way forward as long as it applies to all of the vehicles within a fleet. There is a suggestion that different standards can apply to different vehicles within the same fleet. This would raise all of the old issues around what constitutes a mixed fleet and how you could sustain a fleet under existing licensing legislation.

Question 17

15. *What do you think are the potential impacts, costs and benefits of a regulation?*

Regulation would have the effect of making Taxi Legislation clear and enforceable whilst ensuring a level playing field across the country. This would have the benefit of reducing costs to local licensing authorities making for more clear and efficient enforcement and ensuring that the needs of disabled people are met in all areas.

The cost element to the Trade has been discussed earlier. There are cheaper alternatives to providing accessible vehicles than the £20,000 - £30,000 quoted and the subject of leasing does not appear to have been considered.

Wyre Forest has a number of drivers driving accessible vehicles under the Council's Policy that support the Council in its aims and hold the view that it is perfectly feasible to run and operate such a vehicle to make a living.

Question 18

16. *Do you have any further or more accurate data on potential costs and benefits of a regulation that you would be able to send us?*

No further data apart from that referred to in earlier questions.

Question 19

17. *How do you think that a technical standard should be enforced?*

To accord with the National Taxi and Private Hire Inspection Standards