

WYRE FOREST DISTRICT COUNCIL**CABINET**
26TH MARCH 2009**The Department for Transport Consultation on Improving Access to Taxis**

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	Communities that are safe and feel safe
CORPORATE PLAN AIM:	A Better Quality of Life
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APPENDICES:	Appendix 1 - Department for Transport Consultation on Improving Access to Taxis Appendix 2 - Draft of the Council's Responses to the Department for Transport Consultation on Improving Access to Taxis <i>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details).</i>

1. PURPOSE OF REPORT

- 1.1 To agree a response for the Department for Transport (DfT) Consultation on "Improving Access to Taxis".

2. RECOMMENDATION

The Cabinet is asked to DECIDE to:

- 2.1 **Agree the Consultation Responses set out in Appendix 2 to this report.**

3. BACKGROUND

- 3.1 The DfT published its consultation, "Improving Access to Taxis" in February 2009, requiring a response by 24th April 2009. The consultation is specifically about improving access by disabled people to taxis and follows concerns raised through previous consultations and discussions with User Groups,

- There is anecdotal evidence that not enough licensed taxis are available at the locations and at the times needed by disabled people and that demand may be being suppressed in some areas by lack of availability and that this is also contributing to disabled people not having equal access to jobs, services and social networks.
- Around only half of the licenced taxi fleet is currently classed as being wheelchair accessible, with the majority of these taxis available in London.

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- There is evidence that there is a need to improve kerbside infrastructure to enable disabled people to transfer between transport modes.
- There has been a steady stream of correspondence and complaints about poor driver behaviour and about licensed hackney drivers refusing to stop and pick up disabled people.
- There is a need for improved information to assist disabled people planning trips in advance where, for example, they may need to pre book a licensed taxi to make a particular connection.

3.2 The consultation seeks to define the term, “accessible taxi” and refers to vehicles as:

- Saloon car vehicles – conventional cars not accessible to wheelchair users.
- Wheelchair accessible vehicles – may be purpose built vehicles or converted multi purpose vehicles.
- Fully accessible vehicles – refers to a vehicle that would meet the needs of disabled people including wheelchair users and people with ambulatory disability (at present there are no such vehicles on the market meeting these requirements).

Throughout the consultation the DfT considers two possible standards for accessible taxis in the future:

- An interim standard – this is the DfT preferred standard which will improve the accessibility of licensed taxis for some wheelchair users and people with an ambulatory disability. The majority of vehicles currently available on the market would meet the proposed interim standard.
- Enhanced standard – this is the DfT’s aspirational technical specification which would improve the accessibility of licensed taxis for the vast majority of wheelchair users and people with an ambulatory disability. At present there are no vehicles available to the taxi trade which would meet all of the requirements of this proposed specification.

3.3 Part 5 of the Disability Discrimination Act (DDA) 1995 gave the Government the power to introduce accessibility regulations for several land based modes of transport. There is an intention of the powers which was to enable disabled people to travel between train, bus and taxi easily and to be able to hail a taxi in the street or go to a taxi rank and be able to find a taxi that met their needs. The powers available in the DDA do not cover private hire vehicles. The government has used its powers under Part 5 of the DDA to introduce regulations for trains/trams and for buses/coaches.

3.4 Regulations applying Part 3 of the DDA to vehicles used to provide public transport services, including taxis and private hire vehicles; hire services and breakdown services also came into force in December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities were required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.

3.5 No regulations have been developed or made under Part 5 of the DDA for licenced taxis. There are a number of reasons for this, including:

- At the time of the 1995 Act, it was thought that a taxi could be designed and manufactured that could meet the needs of all disabled people including wheelchair users and people with an ambulatory disability. However, the challenges and potential costs involved in designing and manufacturing a taxi that would meet the needs of the majority of disabled people has proven to be significant, set against the potential market for such vehicles, which is currently quite low.
- The licensed taxi trade is quite disparate, a significant minority of drivers operate from a low economic base and, particularly in rural areas, may compete with or are able to transfer easily to the private hire sector.
- Further work is required on the extent to which disabled people want wheelchair accessible taxis.

3.6 Taxi and private hire vehicle services will continue to play an increasingly important role in helping people to travel and to connect to other transport services.

3.7 The consultation goes on to state that there are currently approximately 85,000 licensed taxis in great Britain and, of these, just over 40,000 are classed as being wheelchair accessible, with just over 21,500 of those within the Greater London area. Only 64 of the 342 local licensing authorities in England & Wales have implemented a policy of licensing only wheelchair accessible taxis.

4. KEY ISSUES

4.1 Members will recall that, in September 2005, Wyre Forest District Council made the decision to deregulate over a three year period and also, at the time, adopted new policy conditions requiring wheelchair accessibility. This decision has been continuously challenged by the majority of the taxi trade and the DfT consultation document provides an important commentary on a number of the matters that have been at the heart of the taxi trade challenge. Importantly, the consultation advises that:

“We do not want to pursue any policies that might lead to fewer wheelchair accessible taxis being available. We do not want to create any difficulties for the local licensing authority who may already have adopted a policy of only licensing wheelchair accessible taxis... we also want to continue to permit local licensing authorities to impose their own conditions to suit their own local circumstances”.

Moreover, the consultation advises that:

“We have concluded that regulating for a certain proportion of the fleet being wheelchair accessible and a certain proportion being saloon cars would be unworkable, as it would be open to legal challenge and there would be practical implementation problems. We would need to amend the existing regulation making power through primary legislation to take this option forward”.

- 4.2 These are important points in support of the District Council's position that, having made the decision to pursue a wheelchair accessible hackney carriage fleet, there is no practical way of achieving only a percentage of the fleet being wheelchair accessible. This fully supports the Council's view that its mixed fleet should comprise a wheelchair accessible hackney carriage fleet and a private hire saloon car fleet that can meet the needs of those who find access to a wheelchair hackney carriage difficult.

5. PROPOSALS

- 5.1 The consultation package includes an Impact Assessment and the draft Technical Specifications mentioned with the aim of:

- improving access to taxis, so that people with different types of impairment or disability can receive an equal level of service provision and improved access to jobs services, leisure facilities and social networks;
- agreeing technical standards for accessibility in taxis and seeking agreement on whether these should be issued as guidance or introduced as a regulation;
- identifying the costs and benefits of potential options, through the Impact Assessment, and making all the evidence available to help inform discussions and decisions;
- exploring issues and options in relation to enforcement, driver training and links with other local transport policies and initiatives.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications for the District Council in responding to the Consultation.

7. LEGAL AND POLICY IMPLICATIONS

- 7.1 The Council took a decision in 2005 to deregulate the issue of taxi licences over a three year period, with full deregulation taking place in 2008. In addition, the Council adopted a new set of conditions, including requirement for newly licensed hackney carriages to be wheelchair accessible. It is anticipated that the whole fleet will be wheelchair accessible by 2013.

8. RISK MANAGEMENT

- 8.1 The Council has been subject to challenge by the taxi trade since the adoption of its policy in 2005 and this latest DfT consultation is welcome as it endorses the decision taken by the Council and will assist in reducing further risk of challenge if guidance is adopted to clarify the situation regarding wheelchair accessible taxis.

9. CONCLUSION

- 9.1 The analysis of the DfT report confirms that the national coverage of accessible vehicles is variable.

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- 9.2 Sixty four authorities have a 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% accessible vehicles.
- 9.3 The Council agrees with the Impact Assessment contention that any regulation in this area would have to require 100% with accessibility standards.
- 9.4 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 .
- 9.5 Regulation by Government would have the effect of making Taxi Legislation clear and enforceable, whilst ensuring a level playing field across the country.

10. CONSULTEES

- 10.1 Head of Legal and Democratic Services

11. BACKGROUND PAPERS

- 11.1 Department for Transport Consultation Document on "Improving Access to Taxis"