

Swindon Borough Council

Private Hire and Hackney Carriage Licensing Sub-Committee

Tuesday, 13 April 2010

Committee Room 2, Civic Offices (Anticipated meeting room)

At 12.15 p.m.

Conservative Councillors

Andy Albinson
Andrew Bennett
Michael Dickinson
Kevin Parry
Eric Shaw
Rex Barnett
(Deputy)
Michael Bray
(Deputy)
Doreen Dart
(Deputy)
Nick Martin
(Deputy)
Vera Tomlinson
(Deputy)

Labour Councillors

Maurice Fanning
Fay Howard
Robert Wright
(Deputy)

Liberal Democrat Councillors

David Wood
(Deputy)

Independent Councillors

Steve Wakefield
(Deputy)

Committee Officer: Shaun Banks (Telephone 01793 463606)

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(Telephone 01793 445500)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 1 - 2)

To receive the minutes of the meeting held on 1st March 2010.

4. Public Question Time

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Exempt Items - Exclusion of Press and Public

Certain items are expected to include the consideration of exempt information and the Standards Committee is, therefore, recommended to resolve "That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the item listed below, on the grounds that it involves the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

<u>Item No.</u>	<u>Paragraph No.</u>
8	1

6. Petition - Use of Saloon Cars as Hackney Carriage Vehicles

To report the receipt of a petition opposing any move to cease registering saloon cars as Hackney Carriage Vehicles. A copy of the petition will be available for inspection at the meeting.

7. Hackney Carriage Vehicle Specification Consultation Document (Pages 3 - 6)

To consider (a) an oral report on the meeting of the Hackney Carriage Working Group held on 29th March 2009, and (b) a draft Hackney Carriage Vehicle Specification Consultation Document.

8. Application for Private Hire Driver Licence (Pages 7 - 30)

Date of Despatch: 01 April 2010

Public Question Time - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING SUB-COMMITTEE

MONDAY, 1 MARCH 2010

PRESENT:- Councillors Andy Albinson, Andrew Bennett (Chair), Doreen Dart, Kevin Parry and Bob Wright.

Apologies for absence were received from Councillors Michael Dickinson, Maurice Fanning, Fay Howard and Eric Shaw.

13. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

14. Minutes

Resolved – That the minutes of the meeting held on 2nd December 2009, be confirmed and signed.

15. Public Question Time

The Sub-Committee received a number of Public Questions from (a) Mr. Shelford (Hackney Carriage Driver), Mr. Scanlon (Hackney Carriage Driver), (c) Mr. Alan Wells (Hackney Carriage Driver), (d) Mr. Baines (Hackney Carriage Proprietor), (e) Mr. Johnson (Hackney Carriage Driver), (f) Mr. Lucas (Hackney Carriage Proprietor), and (g) Mr. Mark Bates (Hackney Carriage Driver) relating to the following issues:

- (i) Whether the Council's Strategy was to remove Saloon Cars from the town's Hackney Carriage fleet;
- (ii) Who had authorised the policy of removing Saloon Cars from the Hackney Carriage fleet;
- (iii) the cost of replacement vehicles and whether any newly approved vehicles would be required to meet the London Licensing Standards;
- (iv) whether all vehicles would need to be wheel chair compliant or whether the Council accepted that some disabled people preferred to use saloon type vehicles;
- (v) whether a decision could be deferred pending a full consultation with the Hackney Carriage trade and other interested parties;
- (vi) whether the Council accepted that there could be technical difficulties in implementing any decision on new vehicle specifications; and
- (vii) Whether the Vito and E7 were compliant with the Disability Discrimination Act and whether a disabled driver could drive them.

The Chair noted that the comments and issues raised during public question time would be considered as part of the Sub-Committee's deliberations. He noted that the proposal on removing Saloon Cars from the Hackney Carriage Fleet was only a proposal for consideration by the Sub-Committee and that no decision had been made in respect of this. The Government had not regulated the use of saloon cars as Hackney Carriages and the Council in reaching a decision wanted to establish

formal arrangements, which would be of benefit to both the Council, the public and the trade.

He expected that any decision made at the meeting would be the subject of consultation including Hackney Carriage Drivers and Proprietors as well and Equality Coalitions.

He would arrange for a written response on the question of whether the Veto and E7 were compliant with the Disability Discrimination Act and whether a disabled driver could drive them.

He noted that presentations on the LTI and E7 taxi's would be made by Messrs Overton and Fryer but stressed that the Council was not endorsing either of these vehicles for future use.

16. Hackney Carriage Saloon Car Licences

The Sub-Committee considered (a) a report of the Group Director of Environment, Regeneration and Community setting out proposals to agree a policy regarding the future specification of vehicles eligible to be licensed as Hackney Carriages, (b) a presentation by Mr. Terry Fryer on the E7 Vehicle, (c) a presentation by Mr. Andrew Overton on the LTI Vehicle, (d) issues raised by members of the Hackney Carriage Trade during public question time and points of clarification during the debate, (e) correspondence from Swindon Black Cab Company Limited and Mr. Ian Carlton Hunt regarding the use of saloon cars as Hackney Carriages, (f) issues relating to the Disability Discrimination Act and (g) questions from Councillors and answers received.

Resolved – That a Working Group comprising Councillors Andy Albinson, Doreen Dart and Bob Wright be established to consider questions to be included in a consultation on the future use of saloon cars as Hackney Carriage Vehicles.

17. Review of Hackney Carriage and Private Hire Driver Knowledge Tests

The Sub-Committee considered a report of the Group Director, Environment, Regeneration and Community setting out proposed amendments to the Hackney Carriage and Private Hire Driver Knowledge Tests.

Resolved – That the Hackney Carriage and Private Hire Driver Knowledge Tests be amended from 1st April 2010, to include a further section of ten questions, with a pass mark of 80%, on the Highways Code and associated matters.

Hackney Carriage Vehicle Specification

Consultation Document

Swindon Borough Council is considering changes to the current Hackney Carriage Vehicle Specification. Hackney Carriages have a vital role to play in the transport system within the Borough and help many people to travel to work, education, shopping and social networks. The Council is committed to finding positive solutions to the issues which need to be addressed, that will provide a fleet to meet the needs of all users and that will affirm the role of hackney carriages as an integral part of the transport system.

We hope this consultation document will stimulate a constructive discussion of the issues and that we will be able to develop and implement a strategy which will result in real improvements.

Your views are important, so please use this opportunity to share them with us and contribute to the discussion.

We would particularly welcome responses to this consultation from:

- Equality Forums
- Hackney Carriage vehicle manufacturers or converters
- Hackney Carriage drivers, operators and Trade Associations
- Local Parish Councils
- Swindon Strategic Partnership

Responses to this consultation should be sent, by Friday 11 June 2010, to:

Rod Collett
Passenger Transport Officer
Environment, Regeneration and Community
Wat Tyler House
Beckhampton Street
Swindon
SN1 2JH

e-mail: rcollett@swindon.gov.uk

Hackney Carriage Vehicle Specification

Consultation Document

The current situation

In May 1989 the Council decided that all new Hackney Carriage licences would only be issued for "wheelchair-accessible vehicles which conform to the Metropolitan Conditions of Fitness".

At that time, it was agreed that the saloon car licences already in force would be allowed to remain until such time as that part of the Disability Discrimination Act 1995 relating to hackney carriages was enacted. Swindon Borough Council currently licences 43 saloon cars as hackney carriages; the remainder of the fleet comprises 110 vehicles which conform to the Metropolitan Conditions of Fitness; 105 manufactured by London Taxis International, 4 manufactured by Metrocab (who have now ceased production) and one Mercedes Vito Taxi.

When the Council took the decision detailed above in 1989, the only wheelchair-accessible vehicles available were the traditional "London Cab", manufactured by London Taxis International, and the Metrocab. The Mercedes Vito Taxi has recently been introduced and conforms in every respect with the Metropolitan Conditions of Fitness.

There are now several vehicles on the market which are fully wheelchair-accessible. Although the majority of these vehicles are van conversions, they do not conform to the Metropolitan Conditions of Fitness in that they are unable to perform the tight turning circle required as part of these Conditions. Some of these vehicles load passengers and wheelchairs from the side; some load from the rear. The majority are significantly cheaper to purchase than either the traditional London Cab or the Mercedes Vito.

The Council is considering whether to amend the current vehicle specification to allow these vehicles to be licensed. The Council is also considering a possible requirement for holders of saloon car licences to replace their vehicle with one which is wheelchair-accessible.

The Metropolitan Conditions of Fitness

The Metropolitan Conditions of Fitness are a set of criteria laid down, originally by the Metropolitan Police Public Carriage Office and continued when the Public Carriage Office duties were transferred to Transport for London. The criteria sets out various minimum standards for vehicles such as Interior Lighting; Electrical equipment; Fuel systems; Facilities for the Disabled; Passenger Compartment and Passenger Visibility. Part of the Conditions state that the vehicle must be capable of being turned on either lock so as to proceed in the opposite direction without reversing between two parallel planes not more than 8.535 metres apart; and the wheel turning circle kerb to kerb on either lock must be not less than 7.62 metres in diameter.

The Disability Discrimination Act 1995

Part 5 of the Disability Discrimination Act (DDA) 1995 gave the Government power to introduce accessibility regulations for several land-based modes of transport. The original intention of the powers was to enable persons with disabilities to travel between train, bus and taxi easily, and be able to hail a taxi in the street or go to a taxi rank and be able to find a vehicle which meets their needs.

The Government has used its powers under Part 5 of the 1995 Act to introduce regulations for trains, trams, buses and coaches. However, no regulations have been developed or made under Part 5 of the 1995 Act for licensed hackney carriages. This has proved to be complex for the following reasons:

- Sections 32-35 of Part 5 of the 1995 Act gives the Secretary of State powers to make regulations for the purpose of making it possible:
 - for people with disabilities to get into and out of hackney carriages in safety; and to be carried in safety and reasonable comfort; and
 - for people in wheelchairs to be conveyed in safety into and out of hackney carriages while remaining in their wheelchairs, and to be carried in hackney carriages in safety and in reasonable comfort while remaining in their wheelchairs.
- at the time of the 1995 Act it was thought that a vehicle could be produced which could meet the needs of all disabled people, including wheelchair users and those with an ambulatory disability. However the challenges and potential costs involved in designing and manufacturing such a vehicle have proved to be prohibitive.

Section 36 of Part 5 of the 1995 Act includes a duty on a hackney carriage driver to:

- carry the passenger while he/she remains in the wheelchair
- not to make any additional charge for doing so
- if the passenger chooses to sit in the passenger seat, to carry the wheelchair
- to take such steps as are necessary to ensure the passenger is carried in safety and in reasonable comfort; and
- to give such assistance as might reasonably be required:
 - to enable the passenger to get into and out of the taxi
 - if the passenger wishes to remain in his wheelchair, to enable him/her to be conveyed into and out of the taxi while in his/her wheelchair
 - to load the passenger's luggage into and out of the taxi, and
 - if the passenger does not wish to remain in his/her wheelchair, to load the wheelchair into and out of the taxi.

General

The Secretary of State has recently consulted widely and sought to stimulate a constructive discussion of the issues that would enable the Government to develop and implement a strategy that results in real improvements. Unfortunately the consultation proved to be inconclusive.

The Government will now take the opportunity presented by the passage of the Equality Bill currently passing through Parliament to ensure there are regulation making provisions to allow duties to be imposed on drivers of taxis and private hire vehicles designated as

accessible by the local authority, to assist wheelchair passengers and carry them in safety and comfort. This largely replicates the duties contained in what was Section 36 of the 1995 Act, which has been carried forward into the Equalities Bill.

The Department for Transport will also be undertaking demonstration schemes in three licensing authority areas to research the needs of disabled people when using taxis, how to tailor the fleet to demand and use patterns and how driver training can assist disabled passengers. These schemes will provide the basis on which the Department for Transport will be able to issue comprehensive guidance to licensing authorities to assist them with improving the availability of taxis for disabled passengers.

Some 64 out of 342 licensing authorities have implemented a policy of only licensing wheelchair-accessible taxis.

The Council's proposals

1. The Council believes it should not continue to rely solely on the Metropolitan Conditions of Fitness to determine whether a vehicle is suitable to licence as a hackney carriage.
2. The Council proposes that the 43 saloon car licences should be transferred to an accessible vehicle as defined by the Disability Discrimination Act when the currently-licensed vehicle is next due to be replaced.
3. Have you any evidence that, currently, people with disabilities are being discriminated against when attempting to book or hail a hackney carriage? If so, please give examples.
4. Should the Council encourage all drivers to undertake Disability Awareness training, and if so, should this in the future become a mandatory requirement prior to the renewal of the driver's licence to drive a hackney carriage?

Agenda Item 8

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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