



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 7 JANUARY 2016

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 26 November 2015 (previously circulated).

3. **Items of Urgent Business authorised by the Chairman**

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests, which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

Exclusion of the Press and Public

5. **Exempt Item**

The Committee is recommended to pass the following recommendation in relation to the following item:

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act."

Members are reminded that, whilst the following item has been marked as exempt, it is for Committee itself to decide whether or not to consider it in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

6. **Application for the Renewal of Private Hire Driver's Licence - Clifton George Hinchey** (Pages 1 - 3)

Report of Licensing Manager

7. **Notification of Decision taken under the Urgent Business Procedure - Existing Dual Hackney Carriage and Private Hire Driver's Licence - James Blackwood** (Pages 4 - 6)

Report of Chief Officer (Governance)

8. **Notification of Decision taken under the Urgent Business Procedure - Existing Private Hire Driver's Licence - Steve Robertson Boyd** (Pages 7 - 9)

Report of the Chief Officer (Governance)

Public Items

The press and public will be readmitted to the meeting at this point.

9. **Delegation of Refusal of Hackney Carriage and Private Hire Driver Licences** (Pages 10 - 13)

Report of the Chief Officer (Governance)

10. **The Availability of Wheelchair Accessible Vehicles** (Pages 14 - 73)

Report of Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Margaret Pattison (Chairman), Terrie Metcalfe (Vice-Chairman), Charlie Edwards, Andrew Gardiner, Mel Guilding, Tim Hamilton-Cox, Colin Hartley, Rebecca Novell and Robert Redfern

(ii) Substitute Membership

Councillors Sam Armstrong, Claire Cozler, Sheila Denwood, Andrew Kay, Roger Mace and John Wild

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068, or email jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone (01524) 582170, or email democraticsupport@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

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

Document is Restricted

LICENSING REGULATORY COMMITTEE**Delegation of Refusal of Hackney Carriage and Private
Hire Driver Licences
7th January 2016****Report of the Chief Officer (Governance)****PURPOSE OF REPORT**

At the request of a member, to enable the Committee to consider the delegation of decisions to refuse the grant of a hackney carriage or private hire driver's licence.

This report is public

RECOMMENDATION

1. That the Scheme of Delegation be amended to authorise the Chief Officer (Governance) and the Licensing Manager to refuse new applications for hackney carriage or private hire driver licences, where satisfied that the applicant is not a fit and proper person to hold a licence.

1.0 Introduction

- 1.1 The Committee's Scheme of Delegation to Officers delegates authority "to grant and issue any licence, registration or other permission under any legislation within the terms of reference of the Licensing Regulatory Committee, unless there are any adverse representations or other reasons why the officer considers it appropriate to refer the matter to the Committee. This does not include authority to refuse a licence".
- 1.2 It has been suggested by a Member as follows: "In the interests of streamlining the work of the committee and reducing the deficit, I wonder if it would be reasonable to delegate officers to deal with all driver's licence applications - but provide that a driver has a right of appeal to the committee within 21 days if he/she does not accept the officer decision. This would reduce (to some extent) the number of applications that have to be brought before the committee - and hence reduce admin costs for the licensing service."
- 1.3 This report enables the Committee to consider that suggestion.

2.0 Proposal Details

- 2.1 Currently, where a driver on first application declares a number of convictions which means that to grant a licence would be contrary to the Committee's guidelines, the Licensing Manager advises the applicant that officers cannot automatically grant a licence, but that the applicant may ask for the application to be considered by the Committee. The application is not therefore refused, but the onus is on the applicant to pursue the application.
- 2.2 It would be possible, as suggested, for the Committee to delegate to officers authority to refuse an application for a new driver's licence. This would mean that applicants would not have the option to have their application considered by the Committee. However, any appeal against the officer refusal would as a matter of law be to the Magistrates' Court, and not to the Committee.
- 2.3 As with any delegation, it would always be possible for officers to refer an application to Committee if they considered that the decision was one which should be taken by the Committee, rather than exercising the delegated authority. This would most likely be the case if an application were prima facie contrary to the Committee's guidelines, but officers felt that there were exceptional reasons to grant a licence, and this would be consistent with the provision in the scheme of delegation that officers may not issue a licence where there are adverse representations.
- 2.4 The proposed delegation could be achieved in the Scheme of Delegation by adding after the words set out in paragraph 1.1 above, the words, "save that authority is delegated to the Chief Officer (Governance) and the Licensing Manager to refuse new applications for hackney carriage or private hire driver licences, where satisfied that the applicant is not a fit and proper person to hold a licence".
- 2.5 Another option would be for the decision to be delegated to the Chief Executive in consultation with the chairman of the Committee. However, in order to document such a decision there would need to be a report and signing off process, similar to that currently used for urgent business decisions. There would therefore be no savings in terms of administrative costs (save for the costs of the application being considered by the Committee).
- 2.6 In writing this report, it has been assumed that the suggestion was intended to relate only to new applications, and not to renewals. Because of the requirement for licensed drivers to declare convictions and cautions as and when they arise, anything of concern is generally then reported to the Committee at the time to enable it to consider whether the licence should be suspended or renewed. On occasions this may coincide with the renewal of the licence, or a conviction may come to light only on renewal, so that the decision is whether or not to renew the licence rather than whether or not to suspend or revoke. On that basis, members may feel that a decision not to renew is similar to a decision to suspend or revoke, and should be taken by the Committee.

3.0 Details of Consultation

- 3.1 There has been no consultation. The report has been brought at the request of the Chairman following a suggestion from another member.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The options open to the Committee are to delegate to officers the authority to refuse new applications for hackney carriage and private hire driver licences, to delegate the decision to the Chief Executive in consultation with the Chairman, or to maintain the current position whereby only the Committee has authority to refuse new applications.
- 4.2 The officer preferred option is for the Scheme of Delegation to be amended to authorise the Chief Officer (Governance) and the Licensing Manager to refuse new applications for hackney carriage or private hire driver licences. The Local Government Act 1972 provides for delegation of decisions to Committees or to officers. The hybrid of delegation to an officer in consultation with an elected members is lawful, but is administratively burdensome, and would not be recommended by officers for routine decision making such as this.
- 4.3 Officers would recommend that the decision not to renew a driver's licence should remain with the Committee.

5.0 Conclusion

- 5.1 The Committee's views are sought.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None directly arising from this report. Any decision to refuse a licence would be taken in the interests of public safety.

LEGAL IMPLICATIONS

If officers were given delegated authority to refuse licences, arrangements would be put in place to enable the applicant to make oral representations prior to a decision being taken. There would be a right of appeal to the Magistrates' court against any decision to refuse a driver's licence.

FINANCIAL IMPLICATIONS

There would be a reduction in administrative costs and Committee time if decisions on new applications were delegated to officers. However, it is not possible to quantify this, as the number of new applications currently referred to the Committee varies from year to year.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as the Chief Officer responsible for Licensing.

BACKGROUND PAPERS

None

Contact Officer: Mrs S Taylor

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E-mail: STaylor@lancaster.gov.uk

Ref:

LICENSING REGULATORY COMMITTEE**The Availability of Wheelchair Accessible Vehicles
7th January 2016****Report of Licensing Manager****PURPOSE OF REPORT**

To enable Members to consider the responses to the recent consultation about the perceived problem in relation to the availability of wheelchair accessible vehicles.

The report is public

RECOMMENDATIONS

The Committee is asked to consider the responses to the consultation about the perceived problem in relation to the availability of wheelchair accessible vehicles and to determine how to proceed.

1.0 Introduction

- 1.1 At its meeting on the 3rd September, the Committee considered the report attached at Appendix 1 to this report, and resolved that a consultation should commence with the hackney carriage and private hire trade and stakeholders on potential solutions to the perceived problems relating to the availability of wheelchair accessible vehicles.
- 1.2 A copy of the consultation letter which was sent to all stakeholders is attached at Appendix 2 to this report.
- 1.3 In addition, before its meeting on the 15th October 2015, the Committee met with representatives of private hire operators to discuss the issue.
- 1.4 Copies of the responses to the consultation are attached at Appendix 3 to this report. There were 22 responses but in officers' opinion the responses are not conclusive and although most of them do acknowledge that there is a problem in relation to the availability of wheelchair accessible vehicles, there is no consensus as to any sort of workable solution.
- 1.5 Members will note that one of the responses, (*page 42*) suggests that two additional hackney carriage plates for wheelchair accessible vehicles could be allocated to each of the three large operators in the district. These operators would then be required to employ drivers specifically to drive those vehicles, and the drivers would be on an hourly rate, thus eliminating the problem of drivers losing money on dead

mileage etc. Members may feel that this might be a solution that could be explored. However, co-operation and agreement would be required from the operator, and further consultation and discussion would be necessary. Any arrangement would have to be properly documented to ensure that appropriate and enforceable licence conditions were imposed, and consideration would need to be given as to whether, in the interests of fairness, such an arrangement could be extended to other operators.

- 1.6 Another option members may wish to consider would be to wait until the unmet demand survey next year, and to authorise the Licensing Manager, when commissioning that survey, to request a specific assessment of the demand for and availability of wheelchair accessible vehicles, and to request that the survey report includes possible solutions based on that assessment..
- 1.7 The legal position in relation to the unmet demand survey was set out in the report considered in September which is attached at appendix 1 to this report.

2.0 Proposal

- 2.1 Members are asked to consider the responses to the consultation in relation to the perceived problem with the availability of wheelchair accessible vehicles and to determine how they would like to proceed with this matter

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>Improving access to taxis for all will ensure that the Council is showing consideration to all that live in and visit the area.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>Financial Services have not been consulted.</p>	
<p>LEGAL IMPLICATIONS</p> <p>Any person aggrieved by any condition attached to a licence would have the right to appeal to the Magistrates' Court.</p>	
<p>BACKGROUND PAPERS</p> <p>None</p>	<p>Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP</p>

LICENSING REGULATORY COMMITTEE

**Restriction on Number of Hackney Carriages
3rd September 2015**

Report of Licensing Manager

PURPOSE OF REPORT

To enable Members to consider whether a consultation should be carried out with the hackney carriage and private hire trade and other stakeholders in relation to the restriction on the number of hackney carriage vehicle licences issued.

The report is public

RECOMMENDATIONS

The Committee is recommended to authorise the Licensing Manager to commence consultation with the taxi and private hire trade and stakeholders on whether it is appropriate and necessary to continue to restrict the number of hackney carriage vehicle licences issued.

If such a consultation is authorised it is recommended that the consultation should include a proposal that in the event of the restriction on numbers ceasing, any additional licences should be issued only to purpose built wheelchair accessible taxis, and a further proposal that if the restriction is maintained existing hackney carriage proprietors should be given a time limit of 5 years during which they must replace their vehicle with a wheelchair accessible vehicle

1.0 Introduction

1.1 Members will be aware that this authority maintains quantity restrictions on hackney carriage vehicle licences issued. Currently the limit is set at 108.

1.2 Around three quarters of local licensing authorities do not impose quantity restriction. The Department for Transport Best Practice Guidance states that 'Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the travelling public – that is to say, the people who use taxi services. What benefits or disadvantages

arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that the removal of controls would result in a deterioration in the amount or quality of taxi service provision?’

- 1.3 The Department of Transport Best Practice Guidance then goes on to state that ‘In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.’
- 1.4 The latest available figures show that 92 councils regulate the number of taxi licences, which constitutes around 26.7% of licensing authorities in England and Wales
- 1.5 The present legal provision on quantity restrictions outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi (hackney carriage) licence may be refused, for the purpose of limiting the numbers of licensed taxi ‘if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet’
- 1.6 Members should be aware that in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to prove that it had, reasonably, been satisfied that there was no significant unmet demand.
- 1.7 For the purposes of the above, the Council commissions an Unmet Demand Survey every 3 years which would highlight whether there is any significant demand for the services of hackney carriage vehicles which is currently not being met. The survey is paid for by hackney proprietors although a significant amount of officer time is spent on it. The last survey was carried out in 2013 and did not show any unmet demand the next survey will be due in 2016.
- 1.8 When previous unmet demand surveys have indicated that more hackney carriage plates should be issued, the additional licences have always been issued to wheelchair accessible vehicles with a condition attached that any replacement vehicle must also be wheelchair accessible. In total there are 15 such mandatory wheelchair accessible hackney carriages licensed in Lancaster
- 1.9 Recently a number of complaints have been received from customers requiring wheelchair accessible vehicles. The complainants state that they struggle to book a wheelchair accessible taxi and they feel that they are being discriminated against. Some of the complaints which were received in writing are attached at appendix 1 to this report.
- 1.10 The provisions of the Equality Act 2010 in relation to hackney carriages would go some way to resolve this matter. Section 161 of the Act qualifies the law in relation to quantity restrictions, to ensure licensing authorities that have relatively few wheelchair accessible taxis operating in their area, do not refuse licences to such vehicles for the purposes of controlling taxi numbers. For section 161 to have effect, the Secretary of State must make regulations specifying:

- a) the proportion of wheelchair accessible taxis that must operate in an area before the respective licensing authority is lawfully able to refuse to license such a vehicle on the grounds of controlling taxi numbers; and
 - b) the dimensions of a wheelchair that a wheelchair accessible vehicle must be capable of carrying in order for it to fall within this provision.
- 1.11 The DfT planned to consult on the content of regulations before section 161 comes in to force. Unfortunately this has not happened and does not look likely to happen any time in the near future.
- 1.12 In relation to private hire operators it is impossible to state at any one time whether a wheelchair accessible vehicles is available to be booked as the drivers work on a self-employed basis. A condition requiring private hire vehicles to be wheelchair accessible would not be permitted. Although most hackney carriages are aligned to an operator it is clear from the complaints received that the 15 mandatory wheelchair accessible vehicles that we have licensed in total, spread out over the 3 operators and some independent, are not able to meet the demand. There are some proprietors who voluntarily license wheelchair accessible vehicles both as hackney carriage but more commonly as private hire vehicles. However as there is no obligation to do so, it is difficult to quantify how many wheelchair accessible vehicles are licensed at any time over and above the 15 mandatory vehicles. Hackney carriage vehicles are public service vehicles.
- 1.13 Officers would recommend that subject to the outcome of the consultation an unmet demand survey is not carried out in 2016 and that instead the Council issue new hackney carriage plates only to purpose built wheelchair accessible vehicles.
- 1.14 Another alternative to resolve this problem, if the number restriction were to continue, would be to consider setting a date, officers recommend 5 years, by which all existing hackney carriage vehicles must be replaced by wheelchair accessible vehicles. However this would obviously have cost implications for existing proprietors.
- 1.15 Officer are now asking members to approve the commencement of a consultation with the trade, customers and disability groups in relation to these proposals.
- 1.16 Many stakeholders representing the taxi trade have highlighted the perceived unfairness of de-restricting to those who have paid a premium in order to obtain a licence. In areas where the number of licences is restricted, as in this district, existing licensed vehicles attract a high value when traded. Many licence holders have made a significant investment and taken out loans, and for many it represents a nest egg which can be called on later in life. Many licence holders make money through renting out their vehicle.
- 1.17 Licensing officers would recommend that any proposal to stop restricting the number of hackney carriages would include a provision that any new hackney carriage vehicle licences issued would have to be issued to purpose built wheelchair accessible vehicles and a condition should be attached that throughout the lifetime of the plate it must always be attached to a wheelchair accessible vehicle. This would have the potential to increase the availability of accessible transport for all, and could also have the added benefit to existing members of the trade of maintaining some value in their plates. There would also be a cost saving to the trade in relation to the cost of the unmet demand survey as well as a saving to the Council in relation to officer time dealing with the survey.

- 1.18 A policy to remove quantity restriction in favour of wheelchair accessible vehicles was challenged when put in place by Newcastle City Council. The judge concluded that there were cogent arguments in favour of saying that new licences should only be issued in respect of wheelchair accessible vehicles to ensure that there was adequate service for all. There is currently no national or legal definition of a “wheelchair accessible vehicle”. However, the Council has developed its own definition which applies to the current 15 mandatory licences.
- 1.19 It should perhaps be noted that, at some time in the future, it may be appropriate also for consideration to be given to a requirement for any additional vehicles to be ultra-low emission vehicles (ULEVs). It is understood that ultra-low emission, purpose-built fully accessible taxis are not yet widely available, but are due to reach the market in volume from 2017 onwards. The Lancashire County Council’s draft Highways and Transport Masterplan for the Lancaster District states that “we want to make the district an exemplar of why ULEVs must also be a core part of any local transport strategy. Whilst ULEVs may not reduce traffic numbers, they will be vital in reducing the emissions from the residual traffic in the city centre.” The draft Masterplan views “ULEV taxis supporting access to the city centre, with local policies favouring them” as one of the strands of a district wide ULEV Strategy, but recognises the need for an infrastructure to support this. This is therefore an issue that may need to be considered further in the future.

2.0 Proposal

- 2.1 Members may recall that a consultation was carried out two years ago in relation to the removal of quantity restrictions in favour of purpose built wheelchair accessible vehicles. At that time members resolved to maintain the restrictions. However as officers are still receiving complaints from passengers who cannot get the transport service that they require under the current regime and are saying that they are being discriminated against, it is felt appropriate to reconsider the position.
- 2.2 Members are therefore recommended to approve a consultation period with the taxi and private hire trade and other stakeholders on whether or not this authority should maintain quantity controls on hackney carriage vehicle licences, and, if quantity controls are maintained, whether existing hackney carriage proprietors should be given a set time of 5 years to replace their vehicle with a wheelchair accessible vehicle.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
The removal of quantity restrictions in favour of wheelchair accessible vehicles will maintain the value in the licence plates already issued whilst improving access to taxis for all and improving the air quality in Lancaster and the surrounding district.	
FINANCIAL IMPLICATIONS Financial Services have not been consulted.	
LEGAL IMPLICATIONS Any person aggrieved by the refusal of the grant of a hackney carriage vehicle licence has the right to appeal to the Crown Court. In the event of a challenge to a decision to refuse a licence, the local authority would have to prove that it had, reasonably, been satisfied that there was no significant unmet demand.	
BACKGROUND PAPERS	Contact Officer: Wendy Peck

Office For Low Emission Vehicles
£20m Ultra Low Emission Vehicle Taxi
Scheme
Preliminary Guidance for Participants

Telephone: 01524 582317
E-mail: wpeck@lancaster.gov.uk
Ref: WP

Hi im hoping you can help me. My names [REDACTED] and im a wheelchair user who lives in Morecambe. Ive been having great difficulty in getting wheelchair accesable taxis from either of the two taxi companys in Morecambe-Lancaster. even tho I pre book them hours in advance im told an accesable car cant be guaranteed and this makes going out and getting home very stressful and scary I usually go out from my flat off queen street in Morecambe on a Tuesday to the midland hotel for lunch then back home around 12-1pm then on a Wednesday to Frankie and bennys on a Saturday morning I go to Morecambe police station at 11am to get a coach to leeds where I watch football I then gtry to get a taxi from the shrimp toby carvery back into Morecambe at 7pm .Im sorry to bore you with my weekly social life but im trying to highlight the problemns I face .

it doesn't seem fair to me that im not able to access a taxi the same as people who don't have to use a wheelchair. is there not a way that wheelchair taxis can be prioritised for wheelchair users ? Im trying to think of other options and thought of private hire taxis but I cant find a list of private hire taxi companys that have wheelchair accesable cars .Do the council have such a list or can you offer any advice

cheers
[REDACTED]

Hi Wendy thanks for the quick reply. i really hope something can be done about this problem. Its very easy to see how a disabled person could get isolated very easily especially if they cant drive and have no family to help out with lifts etc. the dda and then equality acts were hard fought for and ,even tho not totally successful have helped but fall down totally if wheelchair users cant get out of their houses because taxi drivers cant or wont pick them up

I personally think the problem is with existing wheelchair accesable taxi drivers wanting the reduced cost of a wheelchair taxi plate but then don't want the perceived hassle of picking up wheelchair users. i cant see why there cant be an obligation as a condition of the licence maybe that a wheelchair user has prioraty for getting a wheelchair taxi over an able bodied person who can get in any taxi. id apriciate it if you could keep me informed if anything happens with this issue. ive got one of the numbers you gave me but I cant get hold of him il try the other one tho. i don't know anyone else that uses a wheelchair so unfortunately cant help with that one, but im sure that every other wheelchair user faces the same problem

cheers


hi I emailed you last month about the problems I have getting wheelchair accesable taxis in the Morecambe,lancaster area.i was wondering if youd made any progress in sorting this problem out.In the last ten days ive been to reading,london,bristol and used wheelchair accesable taxis with minimum waiting and hassle ,I find it strange and frustrating that in my own town I cant get a taxi without having the stress and worry of not knowing wether a wheelchair taxi or an ordinary one is going to turn up
yours

[REDACTED]

Hello, I was wondering if you could look into a few problems I had with local taxi companies yesterday.

I am a wheelchair user and work from the Council Housing Office at 38 Cable Street, Lancaster.

On Wednesday 11 June (4.25pm) I rang 848848 to order a taxi to take me home at 5pm, I asked for a wheel chair taxi. I was told that I could not pre-book a disabled taxi, I explained that the office closed at 5pm so need it to be there then.

I asked why I couldn't book a disabled car in the same way of booking a 'normal' car, the reply was because you can't due to the limited number of disabled taxis. I asked what do you suggest I do, she said ring somebody else.

Is it correct that you cannot pre-book a disabled taxi ?, or did they just not want to be bothered ?

I then rang 32090 who did allow me to pre-book a disabled car. The mini bus (Private Hire / burgundy) arrived next to the Cable Street Office / Fire Station, the driver started to put the ramp up the side of the vehicle straight onto the cobbles.

I did not take the drivers badge number put she was a very petit lady.

As I approached the ramp she said to me 'well are you going to push', I told her I had limited upper body strength and could not possibility push up a gradient that high. The driver then began to push me up the ramp after a few seconds it was apparent that she was not physically able to help me into the car.

The driver then asked a passer-by to help (this happened to be another Council employee, the Cleaner from Cable Street), I objected at this point as I felt unsafe with drivers capability of assisting me into the vehicle and was concerned how I would get out at home. The driver kept reassuring me that I was safe. On the second attempt at pushing me up the ramp, the front wheel of my wheelchair came over the side of the ramp at the top and left me in a very vulnerable & extremely scary position. I was only being held safe by the driver & the Council cleaner, I was on a steep slope un-balanced & peering at the pavement.

I honestly do not know how they managed to get my front wheel back over the side and onto the ramp. I think at this point I was crying & suffering from shock.

I then refused to get into this taxi.

My complaint is not directly at the driver but could you please look into:

- A) The suitability of this mini bus being used as a disabled taxi
- B) The suitability and gradient of the ramp used (as it was far too steep & I think a fully abled person would not be able to push themselves up that hill)
- C) The capability of the individual driver (should they not be assess as to how much / long they can push a disabled customer). As I mentioned the driver did try to help but in my opinion she was a tiny petit woman and I don't think she was strong enough to assist.
- D) The drivers capability put me in a very vulnerable and unsafe position, in which serious physical injury could have happened
- E) Should vehicles of a certain height not be fitted with an electric lift or pulley system

I will not be using this company again, but would hate for another person to be in the position I was, or even worse get seriously hurt.

Regards

Sent from my Windows Phone

From: Peck, Wendy
Sent: 11/05/2015 14:51
To: [REDACTED]
Subject: FW: Wheelchair taxis

Good Afternoon

I have looked into this and at the moment it is very difficult to deal with as we cannot be sure whether the companies have a wheelchair accessible vehicle working at any given time. I will however prepare a report for future consideration by our Licensing Regulatory Committee in relation to the quantities of accessible vehicles available. I last took a report in 2010 at which time the Committee determined that we did not need to take any action to increase the numbers of wheelchair accessible vehicles as there had not been many complaints in relation to the lack of them. I would therefore urge you to continue to report any incidents like this to me and I will endeavour to try and improve the situation.

In the mean time I will take the unprecedented step of recommending a proprietor to you who is well known for doing wheelchair work and is usually very obliging. His name is [REDACTED]

Regards

Wendy Peck
Licensing Manager
Lancaster City Council
01524 582317

From: licensing
Sent: 05 May 2015 17:05
To: Peck, Wendy
Subject: FW: Wheelchair taxis

Wendy Peck
Licensing Manager
Lancaster City Council
01524 582317

From: [REDACTED]
Sent: 04 May 2015 05:31
To: licensing
Subject: Wheelchair taxis

Hello

I am writing to ask if you can do something about the number of wheelchair taxis and when they are available.

I use a powerchair. It cannot be lifted.

The first complaint is when I was left stranded in Morecambe town center. I rang 3 firms for a wheelchair taxi. First, 424424 I was told none were available until after 5pm, and that depended if the driver came back on duty. The time I rang was 2pm. So I rang 848848 and also 32090 with both I was informed all their cabs were in Lancaster and they would not be travelling to Morecambe. I eventually got back home after paying another taxi to take my shopping home while I went him on the main roads in the traffic. I cannot use the pavements, they are uneven and my wheelchair does not climb curbs.

Another time was at night, I wished to prebook a taxi to and from the emergency doctors as I was very ill. I was told by 2 I could not prebook disabled cabs, the third, 848848 refused outright to travel to Morecambe from Lancaster. I was taken, 3 days later by ambulance with blue lights to A&E and admitted.

And again this bank holiday weekend. I wanted to go to the food fair at Lancaster leisure park. Once again I could not prebook disabled taxi or to take me and pick me up by 424424 & 32090 and 848848 totally refused to come to Morecambe.

I have to admit, I do not go out as its too much bother trying to even arrange anything regarding transport. I am not always well so can only go outside when I feel strong enough so booking something ages in advance is not possible. That's why I would use taxis if I could. Obviously I still attend hospital even when very ill as its passenger transport ambulance that takes me and the professor needs to see me at my worst. I just wish taxis were as easy to get as ambulances. I don't know if you can help, probably not, but I felt I needed to write regarding my problems. Many thanks

[REDACTED]

Hi,

Sorry to bother you but I have yet again had bookings refused. I am sending the email in a reply to the original email then you can follow the thread and see what has happened before.

Long story short:

I was very pleased to ring John, he is a nice man but is currently sick and has been for a couple of weeks, he cant help that and I wished him well.

I have to go to RLI twice next week for scans on my tumour to map its progress and see if it has spread to my spine.

I tried to book a wheelchair taxi, for the Wednesday and Friday next week. Firstly I rang 424424. The lad who answered said he could not take any wheelchair taxi bookings at all. He said the drivers were all self employed and he couldn't force them to come into work. I asked his name, he was very reluctant to give it but I explained that I couldn't prove I had rung if I didn't get it. He said it was Jamie. I know it is not his fault that he cant take wheelchair bookings, ever, he is just the lad who answers the phones and its the bosses who decide what goes.

I rang 848848 to ask if I could book transport and guess what?? No was the answer. They do not take bookings for wheelchairs and all their wheelchair taxis are doing school contracts so are very limited with the times they can work anyway. He refused to give me his name but did say that if more wheelchair taxi plates were given out there wouldn't be as much of a problem. To which I answered that all the new wheelchair taxi plates would immediately go get themselves a schools contract so that would not solve anything. He hummed a grumble so I don't think he was impressed.

I did also ring North West Ambulance transport (I know nothing to do with you) but I was hoping to get locally under my own steam, as I use them for appointments to Christies, Manchester. But according to them I don't exist, so I am not able to get transport from them either.

I think it has been one of those days but taxi firms refusing to do any wheelchair work certainly is not making life easy. I am going to cancel my appointments at RLI, if its spread its spread, noting anybody can do about it so might be better off not knowing anyway.

I hope you will consider todays problems and maybe take it further up the managerial ladder so things can be done as being told they cant refuse is not the answer sadly

Thanks

~~XXXXXXXXXX~~

Sent from Windows Mail

From: ~~XXXXXXXXXX~~

Sent: Tuesday, 12 May 2015 08:57

To: Peck, Wendy

Hi,

Thank you, that's very useful.

The nature of my illness means I don't usually know until the day if I am going to be well enough to go out or not.

Thank you very much for your help

Joanne Brown

From: [REDACTED]
Sent: 08 June 2015 21:46
To: Peck, Wendy
Subject: Re: Wheelchair taxis

hi,

Sorry I haven't been on my mails until this evening due to health matters.

My brother asked his supervisor for the day off on Wednesday so he could take me to the hospital since I was upset that I couldn't get transport. His boss agreed so he can take me on Wednesday, he works at the Westgate depot for LCC, but he couldn't get Friday off or any time at all that day. I was not told until Sunday that he had been given the time off work.

A friend is going to take me, but both days it means I am going in the manual chair and being pushed. I have an electric chair which I prefer to use as it gives me that little bit more freedom but it is 40 inches tall and will not go in any but an adapted vehicle.

Thank you very much for speaking on my behalf to Tony Booth. Is there any way in which I can prebook a taxi anywhere in the area?

Part of Cushings Disease is severe anxiety and I wont go out of the house if I cant be certain I will be able to get home again without too many problems, but I never know until the day if I am going to be well enough to go out or not. But I have to admit it would be nice to have a trip out to the shops or something, anything, rather than sitting in the house 24/7 except for hospital visits.

Thank you one again for your help and if there is any way I could get to prebook I would be grateful, and I could also pass the word around because there are many wheelchair users like me who don t drive who would like to know they could get home if they do manage to go out.

Thanks

[REDACTED]

To Wendy Peck

Hi Wendy,

Thank for all your help in the past.

However over the past few weeks/ months I have had the same, awful problems trying to get a wheelchair taxi.

It has come to the point now that I have HAD to buy a car that will take my chair. I have also had to insure it for any driver over 25 so I have a better chance of a friend being able to take me places.

I need to ask you to inform the councillors' that their so called policies are only good on paper, they do not work in real life. All the taxi firms refuse bookings for disabled taxis, you have to take a chance on getting one and if one isn't there you cant get one, and if they are all in Lancaster they refuse to come to Morecambe. The taxi drivers and taxi firms have no respect for me needing a taxi, they out right refuse, saying its alright the council saying they have to provide it, but the council are not the ones providing the cars. Basically they have no reason to obey any rules set because you never take any action against them.

I am inches away from reporting the problem to my MP and contacting the Lancashire evening newspapers.

So my idea of reducing road traffic, causing minimal problems, putting money into the local economy via local work people (taxi drivers) has all gone to pot.

I have had to buy a car and so add to major traffic problems and take money from the local economy.

So I thank you for your help, but find the lack of response and interest from the so called powers that be to be really bad, burying their heads in the sand has worked well for them. Lancaster and Morecambe is only a suitable place for healthy, able bodied people to live, obviously disabled people who require help and public transport are not welcome or encouraged.

I am bitterly disappointed but cannot fight any longer, I am too ill.

~~XXXXXXXXXX~~

June 2015



Dear Madam/Sir,

I am writing to you concerning the treatment myself, and various other persons have received from staff of wheelchair taxi companies (and also people who work privately ~ they do tend to be more reliable when you are trying [often struggle] to, sometimes urgently, find a wheelchair taxi).

I am seriously and chronically ill and disabled (with several various different problems ~ I am literally a medical - and physical - mystery, in various ways) and do require, and receive (very gratefully) much help, assistance, etc from many great people in the NHS, social services, and similar organisations, etc. However there are often times (mostly on weekday evenings) when I urgently require transport (I am usually stuck at a GP's surgery, after an appointment, needing to be returned to the house where I live as the 'doctors' is soon to close down). Most taxi companies do seem not at all keen on providing transport for any disabled persons during weekday evening weekends, etc. (very unfair if you are disabled but not ill and perhaps wish to spend an evening out with some friends, etc. ~ whether ill or not, the more time you are forced to spend away from social activity and similar, the more likely you are likely to develop, increase further psychological, emotional problems).

Please can some actions be taking regarding what I am mentioning here. These are very important issues to me. Thank you so much for... (P570)

CONTINUED...

all your time and efforts ~ very much appreciated. I look forward very much to receiving your reply.

Yours respectfully,



MEMO	
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At a meeting of the Licensing Regulatory Committee held on Thursday 3rd September members resolved that a consultation should commence with all members of the hackney carriage and private hire trade in the district and customers and other stakeholders asking how the Council can resolve the perceived problem in relation to the lack of available wheelchair accessible vehicles. A copy of the report considered and the minutes of the meeting are available on the Councils website at:-

<http://committeeadmin.lancaster.gov.uk/ieListDocuments.aspx?CId=314&MId=6567&Ver=4>

The report sets out licensing officer's view of a potential way of resolving the issue. However it is the intention of this consultation to seek further views and to enable the Council to consider any other ways of ensuring accessibility to all.

The Department for Transport Best Practice Guidance in relation to accessibility states:-

'Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from:

<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research> '

At the moment Lancaster City Council maintains quantity restrictions on the numbers of hackney carriage vehicles licenced. The limit is currently set at 108 with 15 of the vehicles being mandatory wheelchair accessible. Many of the hackney carriage vehicles work from a rank and also carry out pre- booked journeys through one of the three large operators in the district.

There are no limits set on the numbers of private hire vehicles licensed and there is no provision in the legislation to do so. There are no figures available in relation to how many private hire vehicles are wheelchair accessible as these vehicles are licensed purely on a voluntary basis and there is no obligation to continue to licence such a vehicle. In fact the legislation does not refer at any point to wheelchair accessible private hire vehicles. A private hire vehicle, in law, cannot be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage. This means that any purpose built wheelchair accessible taxi could not be licensed as a private hire vehicle. Private hire vehicles can only be pre-booked and cannot work from a rank or be flagged down.

The Department for Transport (DFT) latest Taxi and Private Hire statistics show that in England 58% of all taxis are wheelchair accessible. All 22,500 London Taxis are wheelchair accessible as required by the Transport for London 'Conditions for Fitness' taxi licensing policy. In England outside London, metropolitan areas have 84% wheelchair accessible taxis with substantial decline in the proportion of accessible taxis in other urban (36%) and rural areas (13%). Currently in Lancaster just under 14% of our taxis are licensed as mandatory wheelchair accessible taxis. 175 authorities (61%) require wheelchair accessible vehicles in all or part of their fleet. The DFT do not collate figures in relation to wheelchair accessible private hire vehicles presumably for the reasons set out in the above paragraph.

The Council are now seeking your views on how we can resolve the perceived problem in relation to the availability of wheelchair accessible vehicles. All responses should be submitted in writing by no later than the close of business on Friday 27th November. You can respond by email to licensing@lancaster.gov.uk or by writing to the above address.

Yours sincerely

Wendy Peck
Licensing Manager
Lancaster City Council

29 August 2015

Lancaster City Council

To whom it may concern:--

Once again this Association has been asked by our affiliated members in your district to assist in a taxi licensing matter; on this occasion it pertains to Agenda Item 10 for the coming Licensing Regulatory Committee on 3 September 2015: Restriction on Number of Hackney Carriages.

As the reader(s) will appreciate, this is a highly controversial issue in most licensing districts, especially for those 92 remaining authorities whose hackney licence holders are continually under pressure from potential deregulation for whatever reason. It is no less so in Lancaster and Morecambe, and our members requested that we supply the council with comments on the possible implications of the Report of the Licensing Manager on this agenda item.

According to the report, the Committee is recommended to authorise the Licensing Manager to commence consultation on the subject of deregulation of taxi numbers. In this respect it would appear that two possible proposals have been put forward to Members for consideration:-

- (a) that in the event of the restriction on numbers ceasing, any additional licences should be issued only to purpose built wheelchair accessible taxis; and
- (b) a further proposal that if the restriction is maintained, existing hackney carriage proprietors should be given a time limit of five years during which they must replace their vehicle with a wheelchair accessible vehicle.

This document will attempt to examine the report to Committee with a view to providing experience from around the UK as to the implications of such proposals, and the report in general. Our information is set out in broad categories for ease of reference.

Consultation

It is noted that two possible proposals are put forward to Members, as set out above; and that it is recommended that consultation should commence with consideration of either of those proposals. With respect, it is submitted that a further consideration is missing from the list, and it is one which normally appears at the top of any such list of decisions: that of maintaining the status quo, i.e. doing nothing at the present time.

Mention is made in the report that the maintenance of taxi numbers in the Lancaster licensing district is, and has been, determined by regular unmet demand surveys; the last survey was conducted in 2013 and showed no unmet demand, and the next survey was due in 2016. The report goes on to examine the background and outcomes of previous surveys etc.

Briefly, the 2006 Judicial Review *Sardar –v- Watford* (which also was concerning the *modus operandi* of deregulation in that district) examined the way in which the relevant Committee was presented with information. Within the judgement of that High Court hearing was quoted oft-used "principles applicable to consultation" as set out in a Court of Appeal decision in *R –v- North and East Devon ex parte Coghlan*:-

"It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken..."

On that basis, it is submitted that not two but three proposals be placed before LRC Members for consideration at this time, the first one being: (a) to maintain the status quo, ie retain the current number of 108 licensed hackney carriages in the district and await the outcome of the next [scheduled] unmet demand survey in a year's time.

The NPHA can state with some degree of certainty that no decisions are likely to be taken by central Government – ie. relevant to Law Commission recommendations etc. – before that date which would change any local outcomes. In any event the Law Commission has recommended that local authorities are best placed to determine the number of licensed hackney carriages required in their district; they even suggest that local authorities should be allowed to re-regulate (put the cap back on, or reduce numbers) if necessary.

As for the disability legislation, the taxi regulations within the Disability Discrimination Act sat dormant for 15 years, for the most part not enacted, until they were repealed by the Equality Act of 2010. However, there is no sense quoting from the latter Act as regards proportionality, regulation of numbers or any other aspect of provision of transport for the disabled: the only sections of that Act which are currently in force are those pertaining to the carrying of assistance dogs, and medical exemption for drivers from carrying wheelchair passengers (about which more below).

Council rationale: public complaints

The report advises Members that a number of complaints have been received from customers requiring wheelchair accessible vehicles, and that those passengers struggle to book a WAV and feel they are being discriminated against. Some of these written complaints are provided with the report.

This Association has every sympathy with and understanding of the frustration experienced by many disabled passengers; our General Secretary was a member of the Taxi Working Group of DPTAC (Disabled Persons' Transport Advisory Committee) for over a decade. However, we would wish to highlight several aspects of these specific complaints:-

- (1) Without exception the complaints stem from the disabled passenger not being able to pre-book a wheelchair accessible vehicle. This signifies a private hire service, and it is not known by Members, or presented in the report, whether the vehicles involved (or not available) were some of the 15 wheelchair accessible hackney carriage vehicles already licensed in the district, or whether they were private hire WAVs. This is particularly significant, as the proposal to increase the number of hackney carriages – albeit as wheelchair accessible vehicles – would not guarantee that any such vehicles would be any more readily available on a pre-booked basis.
- (2) Further, there does not appear to be included in the complaints any actual complaint from a wheelchair bound passenger having been disadvantaged at any of the Lancaster/Morecambe taxi ranks. The main issue revolves around lack of availability of WAVs for pre-booking.

- (3) One of the complainants states: "I can't see why there can't be an obligation as a condition of the licence maybe that a wheelchair user has priority for getting a wheelchair taxi over an able bodied person who can get in any taxi." We would respectfully point out that conditions of licence have no governance over members of the public; and that if taxi numbers were increased in favour of WAVs, the hackney driver still commits an offence if he/she refuses a fare in favour of another passenger (unless at risk of danger). More on public choice below.
- (4) The Licensing Manager responds to one of the complainants and states that she "will take the unprecedented step of recommending a proprietor to [you] who is well-known for doing wheelchair work..." This quite correct procedure is hardly unprecedented; other local authorities maintain lists of transport companies and/or drivers who specialise in wheelchair work. They display these lists on the council website, with whatever information is permissible under Data Protection, or they refer individuals back to the council for further details.
- (5) We are advised that, whilst there are many pages of complaints included with the report to the LRC, those complaints emanate from just four individuals. We do not mean to minimise the difficulties suffered by those individuals; it must be dreadful to be so isolated and feel so frustrated at the lack of transport. We would highlight one comment made by the person who had to give up in the end and purchase a car: "I need to ask you to inform the councillors that their so-called policies are only good on paper, they do not work in real life." It is submitted that it is those policies, and their enforcement, that also need(s) to come under scrutiny; please see Training and Enforcement.
- (6) We are also advised that a number of licensed WAVs in the district are actually multi-seat vehicles with the capacity of carrying up to eight passengers in seats; however their driver/proprietor refuses to take any seats out to accommodate wheelchair passengers. As this is third party hearsay information, we would request that this possibility might be investigated. Again, we do not know if these vehicles are amongst the 15 hackney WAVs already licensed, or whether they are licensed private hire.

Other points raised in report

- (1) The Department for Transport Best Practice Guidance dates from March 2010 and therefore its findings are over five years old; we are informed that the DfT is shortly to issue a new guidance document which will reflect the dramatic changes in the industry over this five-year period. However, the current guidance document states that where quantity restrictions are imposed, vehicle plates command a premium, "often tens of thousands of pounds". The report to the LRC acknowledges this situation. However we are advised that whilst plate values in Lancaster peaked in the region of £30,000 some eight years ago, current hackney plate values hardly amount to a "pension": ordinary saloon taxi plates are worth no more than £13,000, and the existing WAV taxi plates around £8-9000. So the hackney trade maintains that if any protectionism is involved, they are merely protecting their investment; however, realistically their future livelihood is a major consideration if an influx of taxis appears in the market place.
- (2) At point 1.7 in the report it states that "a significant amount of officer time is spent on [dealing with unmet demand surveys]." It is respectfully submitted that an equal or larger amount of officer time would be devoted to the consultation, consideration and implementation of any of the new proposals put forward in the September 3 LRC report – including the preparation of that report in the first instance.

- (3) At point 1.12, in discussing the availability of wheelchair accessible vehicles, it is stated: "Although most hackney carriages are aligned to an operator it is clear from the complaints received that the 15 mandatory wheelchair accessible vehicles that we have licensed in total, spread out over the three operators and some independent, are not able to meet the demand." With the greatest respect, it is suggested that this is statement based on supposition rather than fact, as it is not known which vehicles (hackney or private hire) were involved in these complaints, or were not available to accommodate their passengers. It is quite conceivable that the quantity of WAVs is not entirely the problem; rather the willingness of their drivers/companies to take on the work.
- (4) Point 1.12 goes on: "However as there is no obligation to do so [that is, for private hire WAVs to take disabled passengers], it is difficult to quantify how many wheelchair accessible vehicles are licensed at any time over and above the 15 mandatory vehicles." With respect, surely the records within the licensing department will confirm the exact number and type of every vehicle licensed in the district; the council is obliged by the legislation to maintain this information, and the V5 document should confirm its type and size. A further footnote can be attached to the vehicle's paperwork as to whether it is intended/available for regular use as a WAV; and of course the 15 mandatory taxis have their own conditions of licence.
- (5) Still at point 1.12 it states: "Hackney carriage vehicles are public service vehicles." This is very much not the case: the Public Passenger Vehicles Act of 1981 narrowed down the types of vehicle that could be defined as both private hire vehicles and hackney carriages, by way of exclusion from the category of public service vehicles:- "... in this Act 'public service vehicle' means a motor vehicle (other than a tramcar) which - (a) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward..." This was reinforced by Schedule 7 of the 1985 Transport Act: "In England and Wales, the provisions made by or under any enactment which apply to motor vehicles used - (a) to carry passengers under a contract express or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum; and (b) to ply for hire for such use; shall apply to motor vehicles adapted to carry less than nine passengers as they apply to motor vehicles adapted to carry less than eight passengers." This distinction is important, in that if hackney carriages were indeed public service vehicles they would not fall under the jurisdiction of Lancaster City Council but rather the Commissioners for Transport under an HGV licence.
- (6) Point 1.18 states that the council 'has developed its own definition of a wheelchair accessible vehicle'; if we understand this correctly, that information is found in paragraph 11 (page 23) of the Rules and Regulations for Hackney Carriage and Private Hire Vehicle Drivers and Operators. Reference is made therein to both side loading and rear loading WAVs being permitted; the trade would wish to tighten up these definitions and raise the standard of the types of vehicle to be licensed under this section. Also in this regulation a reference is made to compliance with the council's age limits for hackney carriages. We have been advised that those age limits were withdrawn some two years ago, in favour of increased numbers of tests (up to three in 12 months) for older vehicles - a far more favourable arrangement, and the trade agrees.

Implications of each proposal

We have already highlighted the importance of including the status quo concept; otherwise any consultation would in our submission be biased and unbalanced. However, looking at the first of the "new" proposals, that in the event of the restriction on taxi numbers ceasing, any additional licences should be issued only to purpose built wheelchair accessible taxis, the report does seem to favour this option; the Impact Assessment states: "The removal of quantity restrictions in favour of wheelchair accessible vehicles will maintain the value [in] the licence plates already issued whilst improving access to taxis for all."

In fact the report mentions the Newcastle case (City of Newcastle -v- Blake) in which "the Judge concluded that there were cogent arguments in favour of saying that new licences should only be issued in respect of wheelchair accessible vehicles to ensure that there was adequate service for all." In addition to this premise, however, the existing saloon licence holders in Lancaster would strive to achieve "grandfather rights" to retain their saloon plates in perpetuity. This solution was tried – and it succeeded – in Milton Keynes, when in 2007, 78 hackney plate holders appealed against the blanket condition being imposed that all hackney carriages had to become wheelchair accessible by a certain date. More on that case below.

Actually the trade have requested that the proposal go one step further: that any additional wheelchair accessible vehicle must be strictly purpose built or adapted, and must be brand new at first licensing. This was tested over 20 years ago in court in Swansea, and the council succeeded in maintaining that 'brand new' condition/criteria.

The redefined parameters of this proposal – that quantity restriction is lifted on the basis that the 93 existing saloon plate owners retain grandfather rights to run saloon taxis, and that any new hackney licence be granted only to brand-new purpose built wheelchair accessible vehicles – go a long way to accommodate both customer choice and the needs of all passengers: disabled, semi-ambulant and able bodied.

However, it is worth mentioning that a major factor to take into consideration in putting more taxis on the fleet, whether saloon or WAV, is the number of rank spaces in the district. As things stand, even with over half the existing fleet running on radio circuits, the remaining independents struggle with the small number of rank spaces: currently on the council website Lancaster shows 29 24-hour rank spaces and 38 nighttime spaces; Morecambe has 41 24-hour spaces and 15 night spaces. The controversial North Road rank would not even accommodate two wheelchair accessible taxis; where will additional ones go?

Turning to the alternative proposal, "if quantity controls are maintained, whether existing hackney carriage proprietors should be given a set time of five years to replace their vehicle with a wheelchair accessible vehicle," we would immediately ask for clarification. Is the council proposing to maintain an all-wheelchair accessible taxi fleet? If that is the case, this flies in the face of every known authority on the subject of WAV taxis from the original DDA proposals in 1995 – that all taxis in England and Wales should ultimately be wheelchair accessible. As everyone knows, this did not happen and is unlikely to ever happen.

The reason the countrywide proposal has not happened is that whenever a piece of national legislation is brought in, a cost compliance exercise must be undertaken to assess the financial viability of that legislation and the impact upon those who are affected by it. Following the enactment of the DDA, a cost compliance exercise was undertaken by Philip Oxley at Cranfield University on the matter of mandating an entire taxi fleet in any one area, or indeed across the country. That cost compliance exercise was released only after four years and a FOI request, and it concluded exactly what most people predicted: that an all-wheelchair accessible taxi fleet is neither affordable, nor sustainable, by the licensed trade.

In March 2007 the European Conference of Ministers of Transport voiced their support of a mixed taxi fleet; subsequently the Department for Transport issued a letter (copy attached) to the Chief Executive of all local licensing authorities acknowledging "representations making the case for a broader range of disabled people's needs to be met in any regulations, rather than restricting the requirements only to wheelchair users. As a result, regulations have not been made."

Further drawbacks to an all-wheelchair taxi fleet include:-

- Not all disabled passengers wish to travel in the large purpose-built taxis. It was upheld in the Milton Keynes case that not only elderly passengers but also stroke victims, blind and partially sighted persons, and arthritis sufferers really do struggle to get in and out of purpose built taxis. We strongly urge that any consultation exercise must include not just wheelchair bound passengers but every

type of person who uses taxis. That includes residents of the 12 care and nursing homes in the Lancaster/Morecambe area.

The trade will tell you that for the most part, disabled passengers prefer to travel in the front passenger seat next to the driver of a saloon car: when their wheelchair is folded and placed in the boot, and they are sitting in a normal seat, for that brief period they are not disabled – they are just the same as the driver and everybody else around them. This is an important aspect of disabled passenger travel, and that customer choice would be removed if the fleet went all-WAV.

- Statistically, to mandate the entire hackney fleet in Lancaster would amount to overkill. To illustrate, the existing 15 taxi licence holders represent 13.9 per cent of the current taxi fleet in the district. A study conducted by Parry on wheelchair users across the UK in 2013 informs us that the population of Lancaster from the 2011 Census was 138,375; of those, 2,692 are wheelchair users. That represents 1.9 per cent of the population in the area – hardly justification for such a drastic step as to change the entire taxi fleet over to WAVs to accommodate that small number, not all of whom use taxis.
- Point 1.19 in the report to the LRC talks about ultra-low emission vehicles; this trend is coming in more quickly than most people originally thought. London taxis are expected to be zero emission capable by 2020 and, as the report states, ULEZ purpose-built fully accessible taxis are not yet widely available. When they will be available, we are advised that the price tag is high: figures in the region of £45,000 are being suggested. To contemplate imposing this level of expenditure across the entire Lancaster taxi trade surely could not be countenanced. Further, until and unless there are sufficient electric charging points situated around the district, it is submitted that an all-WAV and eco-friendly fleet could not be viable. London licence holders are already making representations to Parliament along those lines, as the ULEZ restrictions will apply to private hire in London as well.

Training and enforcement

As stated earlier in this document, the complaints included in the report to the LRC all involve the inability of disabled passengers to pre-book a wheelchair accessible vehicle. What is particularly revealing – if accurate – is the treatment of these disabled passengers by those whom they contact. One complainant, who we have to say seems extremely clued up on the subject of plate values, the Equality Act and the like, tells the Licensing Department: "I don't know anyone else that uses a wheelchair so unfortunately can't help with that one." The comment indicates two things: firstly that there are not many wheelchair bound passengers, and also it appears as though this person was being canvassed for some reason.

The same complainant states in a subsequent email: "I find it strange and frustrating that in my own town I can't get a taxi without having the stress and worry of not knowing whether a wheelchair taxi or an ordinary one is going to turn up." In most other licensing authorities we have company members who have a specific tick-box on their booking screen, or whose dispatcher asks outright, "Wheelchair vehicle required?"

This answers the next highlighted query from the complainant whose treatment by the first company dispatcher was less than satisfactory... "ring somebody else"? The complainant goes on to ask: "Is it correct that you cannot pre-book a disabled taxi? Or did they just not want to be bothered?" Yes, any passenger is supposed to be able to pre-book a WAV.

Then the same complainant goes on to describe the indignity and danger to the passenger of the driver (and a passer-by) struggling to push the passenger up the ramp, and the resultant difficulties making the passenger refuse to use the taxi. We would query whether the "petite" lady driver should apply for an

exemption to assist wheelchair passengers – or to carry them at all, which defeats the object of driving a WAV. The extent of detail provided by this particular complainant adds up to one thing: insufficient training.

We note that it is a condition of licence for the 15 wheelchair accessible taxis already licensed in the district that: "Only persons who have passed the wheelchair enhanced part of the Driver Vehicle Standards Agency Test will be permitted to drive a mandatory wheelchair accessible vehicle." We would ask whether the drivers of any WAV private hires in the district have undergone the same training. Further, we would query whether the content of the DVSA taxi test/wheelchair supplement is sufficiently robust. The director of a prominent union-based training company in the North West recently was astounded when, having asked a person from the DVSA how they demonstrate wheelchair use and deal with WAV passengers, they informed him that they wheel a wheelchair up the taxi ramp with a sand bag in the chair. Our colleague's training programme incorporates not only the BTEC but also the level 2 NVQ, and his disability training involves drivers having to wheel each other up and down ramps in turn, in addition to being taken through the strap and anchorage procedure. The point here is that there is training, and there is training; if the council is considering a change to the taxi licensing procedure, then more thorough and robust training surely must be on the agenda as well.

As for passengers being stranded in Morecambe town centre because two companies' wheelchair taxis were all in Lancaster and would not be travelling to Morecambe, we would once again stress that if these refusals of work are coming from the 15 existing WAV taxi plate holders, they are committing an offence. If they are private hire, then each company must clamp down on their own firm's policy about providing transport for all, including disabled passengers. Further, it is submitted that an awareness campaign should be generated by the council following these complaints, and some sort of enforcement be brought against the company by way of punitive measures on the operator.

Another complainant was told that the dispatcher "could not take any wheelchair taxi bookings at all. He said the drivers were all self employed and he couldn't force them to come into work." The other company told the complainant that "all their wheelchair taxis are doing school contracts so are very limited with the times they can work anyway." The complainant (who subsequently purchased a car) signs off with: "All the taxi firms refuse bookings for disabled taxis; you have to take a chance on getting one...and if they are all in Lancaster they refuse to come to Morecambe... they outright refuse, saying 'it's all right the council saying they have to provide it, but the council are not the ones providing the cars'. Basically they have no reason to obey any rules set because you never take any action against them."

It is common knowledge amongst the trade that most drivers will try to avoid wheelchair work because it takes longer. Until and unless the Government puts forward some incentives to encourage more WAVs onto the fleet, the situation will not be resolved merely by adding more WAV taxi numbers; this just waters down the available work all around. In the meantime it is up to the local authority to focus on the disability issues highlighted in the complaints.

We wanted to convey to all who would listen that Agenda Item 10 is truly controversial, for all the reasons mentioned in this document; and to raise awareness of some of this controversy before any consultation period is embarked upon in earnest. Thank you for listening.

Yours faithfully
For THE NATIONAL PRIVATE HIRE ASSOCIATION

(Mrs) DONNA D SHORT
Director/Company Secretary

Hello Wendy

I have given some thought to the problem of wheelchair accessible vehicles and the availability of these vehicles the problem seems to have many sides and is far more complex than a single issue

- 1) The dead mileage from job to job
- 2) The time it takes drivers to pick-up, secure the wheelchair, and drop off is many times greater than a "normal job"
- 3) The cost of the vehicle in the first place
- 4) The training of drivers for different vehicles

All the above and many more make it difficult to attract drivers and vehicles to do the jobs I have an idea that may help the situation. This has not been costed and may not please everyone

Give out 2 free hackney plates to each company. The conditions would be as follows

- 1) The drivers of the vehicles must be employed by the company (or directors of the company) on a full time basis
- 2) The drivers must be paid at least a minimum wage
- 3) The vehicle must be working daily for a minimum of 12 hours.
- 4) The vehicle or driver cannot refuse wheelchair bookings.
- 5) Wheelchair work will be priority.

This way all wheelchair work should be covered if not straight away certainly in a short time

Regards [REDACTED]

From: [REDACTED]
Sent: 15 October 2015 16:53
To: licensing <licensing@lancaster.gov.uk>
Subject: Wheelchair accessible vehicles

All Saloon cars are wheelchair accessible. In All wheelchairs fold and Go into the boot of the car with no problem in my experience Disabled people Can get into and out of a saloon car with no problem Minibuses are a big problem Disabled people cannot access them Elderly people cannot get into them They are too high unless purposely made2 Do the job

The second problem All cars with sliding rear doors Are dangerous to the public What happens is When you get people Entering the vehicle The front passenger gets in First The rear passengers are slower entering the vehicle and they Use the door jam As a Grab Rail So the front passenger Shuts the front door On to the rear passengers hand. I have personally experienced this problem Because I used to have a Fiat Doblo I had to get rid of it. For that very reason

I would like to bring this to your attention The council should not licensed Any vehicle that is dangerous to the public You need to test every vehicle With sliding rear doors To see if it is possible For a member of public To trap their hands in it. I would like this information to be an ominous Because if a ring Leaders find out I will be in big trouble

Yours faithfully [REDACTED]

Sent from Samsung tablet for that

From: [REDACTED]
Sent: 15 October 2015 16:58
To: licensing <licensing@lancaster.gov.uk>
Subject: Disabled vehicles

I would also like to point out But the existing disabled vehicles Are not clearly marked When you look at them you cannot tell They are disabled access vehicles They should have visible stickers On each side Of the vehicle And also the back door If I cannot tell Which are disabled vehicles How could a member of the public do so

Sent from Samsung tablet

Hi,As a wheelchair user ive been asked for my views and potential remedies to the problem of wheelchair users not being able to access taxis in the same way as non wheelchair users.

I have ms and before I started having to use a wheelchair to get about whenever I wanted to go anywhere id ring for a taxi in advance for the relevant time the taxi would then come within ten minuetes of the time id asked it for. Since ive had to use a wheelchair that simple procedure has become stressfull and made my life harder. When I ring a taxi now in advance for a time later in the day im told that no accesable taxi can be guaranteed and that it wont be known if one is until 15 minuetes before the time I booked the taxi for. this makes things very difficult if I have a coach or train to catch or a table booked for a meal. It has led to me missing trains and arriving over an hour late for meals once im out theres then the same limitations on getting a taxi home .Its understandable that a lot of wheelchair users are too scared to leave home and attempt to get a taxi, this also would explain why user suveys appear to show not much demand for accesable taxis .

I travel around the uk watching football and have a lot less problem getting accesable taxis in cities around the uk than in Lancaster/Morecambe as an example when I go to London the major problem is getting a taxi to Lancaster station, once I get to the station I can get a ramp onto the train then at Euston every taxi is accesable.

In my opinion I think the problem is two fold firstly theres not enough wheelchair accesable taxis in our area and secondly the taxis that are accesable don't seem to be keen to pick up wheelchair users when they can pick up non wheelchair users who are perceived as less hassle ie; geting ramps out, pushing chair in, strapping in. it seems only fair and logical that a wheelchair taxi should primarily be prioritised for wheelchair users as a non wheelchair user can easily use any taxi whereas a wheelchair user cant. maybe there could be a condition placed on a council taxi plate for a accesable taxi that they must pick up a wheelchair user first. many people know in advance travel plans so if a taxi is booked days or hours in advance the driver should treat it as an advanced booking therefore knowing they have to be in a certain place at a certain time. special schools use accesable taxis and I presume have no problem with providing a taxi at a certain time to get children to -from school.

thousands of wheelchair users who don't have access to cars are being denied the independence afforded everyone else in Lancaster and Morecambe through no fault of there own . I hope something can be done to solve this problem

██████████

one way to increase wheel chair cars not a popular idea but one which could work is to limit taxis and private hire vehicles to one each i.e if you own a hackney why should you own 5 ph and put some in your wifes name and others in kids names some hackney owners have 2,3.or in one case 5 hackneys all in other family names sometimes to avoid vat .

if there was a limit to the vehicle you drive only not one you rent out i could see 30 or 40 ph dissapear making more work for drivers not owners like [REDACTED] that dont drive at all the point is more work means new owners being able to buy a wc vehicle and having work all round,just a thought [REDACTED] to name but a few that have more than one taxi or ph and dont drive lol controversial i know but just a thought

My view on the availability of wheelchair cabs is that there is no problem with the public gaining access to one at ranks because if there is not one there at the time the other hackney carriage drivers will get in touch with the wheelchair operators and one will make there way to the job. In my opinion the only trouble is caused by radio operators refusing to take future bookings and even immediate bookings have been refused even when wheelchair cabs have been available. A change in attitudes and procedures and a little effort on the part of people taking calls and then getting in touch with wheelchair operators is needed and was always the procedure in the past. Ranks need vehicles of all types or there will always be people of other disabilities and with other difficulties that will be denied access to a vehicle. That is why the survey has worked and that is why it should be kept as the way to view whether the Taxi service is right or not .

Yours

A solid black rectangular redaction box covering the signature of the sender.

From: [REDACTED]
Sent: 13 October 2015 16:28
To: licensing <licensing@lancaster.gov.uk>
Subject: disabled taxis

You cannot make it a rule that any new licences issued must be disabled access taxis.

Surely they will cost more to buy?, and some people would not like the responsibility of being liable for disabled passengers.

If you want to have more disabled taxis you should give the drivers some incentive with a discount on the licence fee, or some other monetary allowances.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 25 November 2015 17:54
To: licensing <licensing@lancaster.gov.uk>
Subject: Consultation lack of wheelchair accessible vehicles

We have had surveys for several years now and I believe that they are the best way to determine any problem's

I also believe its was a booking problem with private hire company's not taking pre bookings, you had a private meeting to resolve the problem many thanks [REDACTED]

27th October 2015

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Dear Wendy,

In response to our previous telephone conversations regarding the difficulties I have experienced in obtaining a wheelchair taxi to transport my 97 year old mother to appointments and social events I have put my comments below.

I would be obliged if you could bring up the following points at your next meeting:-

① It is impossible to make an advance booking for a wheelchair taxi. The three major taxi firms, namely 32090, 848848 and 424424 all decline to make advance bookings for wheelchair transport. The standard reply to such a request is:-

"All our drivers are self employed so we don't know if they will be working on that day, you will have to telephone on the day."

What sort of service is that? How can wheelchair bound clients be confident that they will be able to attend hospital/doctors appointments and social events AND be able to obtain a taxi for the return journey. However there were two taxis that could be pre-booked, namely John's taxis and Shell's taxis, both are generally booked up with regular clients and although apologetic, could not provide the service for me at that time.

2) It would be possible for the taxi firms to sub-contract the self-employed drivers and compile a two weekly rota system so that a pre bookable service would be available to the wheelchair bound clients.

3) Fifteen mandatory wheelchair taxis in the Lancaster and Morecambe area do not appear to be able to provide an adequate service for the demand from clients.

The problems that I have had in obtaining transport for my mother is not an isolated case, I have spoken to others who have encountered the same problems.

Pushing my 97 year old mum in a wheelchair, in the pouring rain, to attend a doctor's appointment a mile away is no joke and not good for my mother's health either. Not one wheelchair taxi was available that day.

4) In this age of 'equality' the disabled should not be excluded from attending events of their choice because of a lack of suitable transport to take them to their destination and return home when they choose.

Public buildings generally have disabled access but transport is vital so that disabled persons can get to them.

The present local taxi services appear to be unwilling or unable to provide such a service and I therefore look to the Lancaster City Council to address this problem.

Yours sincerely

|

Dear Sir or Madam,

In regard to the above mentioned consultation about accessible taxis limits, I am concerned about road safety (especially as a daily cyclist), more than the number of available taxis. Often taxi drivers (and especially drivers of other accessible vehicles) overtake cyclists too close, possibly not realising that the ramp makes their vehicle much wider. If indeed, I would like to see more taxis, I first and foremost would recommend that greater care (selection) is taken when giving an appropriate driving licence: at present, I do not believe the competency tests of taxi drivers ask for safety standards high enough. I am convinced that the focus should be on having more COMPETENT taxi drivers overall; this is something I would welcome very much for the wellbeing of all Lancaster residents.

If you wish to contact me further about my opinion on this consultation, please feel free to do so. My name is [REDACTED]

Kind regards,
[REDACTED]

I have no hesitation in saying that the taxi's available are indeed very limited and also will state that even those firms that say they provide for wheelchair users put restrictions on their limited availability that makes it impossible to organise any appointments with conviction of keeping them. The only taxi firm I can rely on is Johns Taxi's which is always booked weeks ahead due to the demand and not always able to fit me in which causes problems for me. The larger firms that pretend to offer taxi's for wheel chair users say phone up on the day, this has meant unusable or in many cases no taxi's at all-no good to those of use that have appointments booked weeks ahead. These are common occurrences during the daylight hours, but try to get a taxi at night is something I for one have stopped even trying. It is my honest opinion that the taxi people apart from the odd one or two like to offer lip service but no service. I hope this campaign succeeds because quality of life is effected by lack of accessible taxi's that cater for wheel chair users,

yours sincerely ,
[REDACTED]

Dear Sir/Madam

I write in regards to the above problem.

Having worked as a base operator before I became ill and disabled, I always found it difficult to get the wheelchair accessible taxi drivers to take these vulnerable people. Their pathetic excuses ranged from and I quote "it takes to long for them to come out of their homes and also to get them on to the taxi with the ramps". Another one was "some of them stink". I found this very annoying and ignorant. However back then we were allowed to log them off, and they were given a black mark. This used to work on occasions.

I hope this will help towards you making your decision.

Yours faithfully



Sent from Samsung tablet

Dear Wendy

Firstly can I point out the research you have provided is 10 years out of date. You have made no reference to the findings of the Law Commission. You have made no reference to the recommendations of the former access officer in regard to the advantages to diverse disabled passengers of a mixed fleet.

My suggestions are:-

1. Conduct a survey to establish if there is any significant unmet demand rather than allowing people to buy £30k vehicles that won't be able to pay or themselves.
2. Enforce the additional signage that the committee approved for wheelchair accessible vehicles. The majority of the WAV fleet do not display the standard wheelchair signage despite a whole fleet inspection!!!!
3. That we look at the actual problem rather than the perceived problem. The complaints you received ALL relate to the large companies falling to manage the vehicles they operate. (One of the directors of Coastal Taxis has instructed the base not to give his car wheelchair work and in 5 years I have never seen it carry a wheelchair)

Kind Regards

A large black rectangular redaction box covering the signature and name of the sender.

We do not want the area flooded in taxis by opening up the licensing.
It may be a better idea to put a higher limit on the number of taxis allowed
in the area and insist that all new applicants have disabled access.
and that when vehicles are changed they must also have disabled access.
[REDACTED]

Thank you for asking me for my views regarding wheelchair taxis.

The background to my complaints are that I tried, on numerous occasions, to prebook a wheelchair taxi. I was told, each time, that I was not allowed to prebook a wheelchair taxi. When asked why I was told that they cant say when any taxis will be available for work. Also that IF any taxi was going to be available it could be an hour or longer before I would get a vehicle from when I rang up.

Because of this I was not able to attend any hospital appointments, doctors appointments, dental appointments and so on. Also I wanted to go to events, like the food fair at Lancaster Leisure Village, but because it was a Sunday, there were almost no wheelchair taxis available.

Also, I have a PIP assessment at Ridge Hospital next week. As yet I have no idea how I am going to get there because I cant prebook a wheelchair taxi. If I ring up and ask, on the day for a wheelchair taxi, the likely hood is I will not be able to get one. They are on a job. They are not working. Or all the taxis are in Lancaster and they will not send a taxi through to Morecambe, which has happened more than once before.

If I do not attend the assessment I will lose my PIP, which I rely upon for wheelchair repairs, ramps, carers etc. So how do we sort that problem out??

I have disabled friends who cant believe the trouble there is getting transport in this area. So much so that in many forums and visitor information for tourists to the UK, they have stated that Lancaster & Morecambe rate among the worst for public transport and the area is to be avoided.

I do not think the answer is more wheelchair taxis. If that is the proposed suggestion, then there should be a stipulation that these extra cabs are not allowed to get schools contracts which stop all transport between the hours of 0730 to 10am and 1430 to 1700, which is a big proportion of the day.

Also, a wheelchair cab should be stationed at the taxi base so that at least 1 wheelchair cab is available 24/7 for hire.

I hope these make sense. I have tried to get help to write this but most of the disabled help places are now shut due to funding :/

Thanks

██████████

Hi Wendy,

I have been meaning to reply to this email for some time now, so I apologise for sending this on the final day allowed, but I feel I have a couple of relevant points that I would like to express to you, that I feel have not been alred yet.

The main reason that wheelchair accessible vehicles are not out and available for wheelchair bound customers more often is because it is very difficult for owners of wheelchair accessible vehicle to recruit drivers for their vehicles. The reasons for this are twofold;

Freelance drivers feel they can earn more money driving none-accessible vehicles because of the way the operators handle wheelchair work. For example, if there is a booking in for 19:00, the base may allocate the job to a car 30 minutes before it is due, fine in theory, but the result is that the driver could make £5 in 45 minutes, whereas without such constraints, they could make £20 in that period. One can't blame freelance drivers for maximising their earning potential.

The rule implemented that all drivers of wheelchair accessible vehicles must have been formally trained to do so, may well have thought as as part of the solution, but it has become part of the problem. Just another reason why less suitable vehicles are available more of the time. My own vehicle would have been out and available far more of the time if I could put a driver in it who hadn't been required to undertake formal training, and it is my opinion that the formal training may tick certain boxes, and have drivers aware of certain legalities, but is of very little use as to the practicality of the job, something that I could teach a potential new driver more about in about 15 minutes. All vehicles are different, and regardless of being formally trained, I would still spend 15 minutes training a new driver how to use my ramp, clamp, and belts.

I don't believe there is a shortage of wheelchair accessible vehicles on Hackney carriage stands very often, so I'm not sure if it would do any good in issuing more plates, but incentivising freelance drivers to drive such vehicles, thus ensuring that more of these vehicles were available more often would, I feel, be the best way to provide a better service for wheelchair bound passengers.

Operators should do more to help drivers cover wheelchair work by linking jobs better, and I feel that you should either drop the requirement of drivers to be formally trained, or insist that ALL Hackney drivers are formally trained.

Kind regards.

[REDACTED]

Dear Ms Peck

Having read the agenda for the above meeting I note there is an item concerning the fact that three disabled customers have lodged notification of their difficulty obtaining wheelchair accessible taxis through the radio companies and I respectfully request that the following points be taken on board for further discussion:

1. The trade feels these complaints have nothing to do with hackney carriage vehicles working from taxi ranks as there are sufficient wheelchair accessible vehicles on any rank, as a result of the 3-yearly unmet demand surveys.
2. I cannot understand why this matter is being taken directly to the LRC without first holding a forum meeting [rather than a clinic] with the Trade and representatives of disabled customers with a view to discussing and resolving problems, if any.
3. As the problems appear to be with customers using radio companies serious consideration is needed for all private hire vehicles to be wheelchair accessible, potentially by a phasing-in exercise.

The Trade believes that certain matters mentioned in the report being submitted to the meeting is misleading for the Councillors and further discussion / consultation is required prior to any decisions being taken.



Recommend that the city council offer additional taxi licences but limited to applicants that provide wheelchair accessibility.

All Hackney plate should only last for a period of time standard cars 6 years. Wav for 7 years to cover cost of purchase After this people, wanting Hackneys can be put on a list for the type of car they want ,with wav first until a 50% ? of all cars are of this type

Approx 4years from a given date Start by removing the longest plates with the oldest cars first in circulation approx 20 per year And any replacement before must be a wav type only or return the plate Sent frog my iPad

Good morning.

As a proprietor of a mandatory way . ■■■ i thought I should share my thought/ideas even though I do not participate in the meetings.
here are my questions and thoughts to add to the forum .
I hope they come across as positive and useful.

The statistics in the letter regarding the rest of the country and their percentage of way vehicles was very interesting .
We appear to be behind !!
However do they have the same issues even with those high numbers of hackney way vehicles.

Do customers again try to book a private booking and it is late or unmet ? (there is no proof more hackneys would ever fix a pvt hire booking issue)

What were the actual statistics in our area from the complaints. How many wheelchair jobs were completed successfully against the complaints shown as a percentage. This has not been shown as yet. It might actually be tiny?

I struggle to understand how in 2015 we cannot change legislation to enable pvt hire owners to run ways if they wish. This itself seems discriminatory? My vehicle is very versatile. Huge boot for zimmers etc I have had pvt hire owners asking me how I like it and they would love one. I have just had a full inspection from Lancaster

How many of the ways are covered across both shifts? I know mine isn't and since the introduction of an extra test/exam people seem reluctant to drive one. It was easier to get drivers when owners were allowed to transfers the skills needed to New drivers themselves.

Lastly is the need for the right questions to be asked to customers when they book .I have been a few minutes late to one or 2 jobs because customer is waiting for a way when in fact they can actually transfer and prefer to do so. This ties up the vehicle for full time chair users.

The options/solutions:

* firstly and most importantly Actually collate a report on wheelchair jobs completed against fails to get a true picture of an issue not a perception. It could be done over 3 or 4 months. Offices give you there booking numbers and times and hackney add in the pvt and rank customers who do not transfer.

*Open up way vehicles to pvt hire owners. I don't understand how this in an issue.

* help us to cover the existing ways over more hours by making training less worrying for people or integrate disabled handling into new applications.

If the above don't solve the percieved issue. :_

* quite radical , but make every existing hackney change its vehicle to wav when it's vehicle is past functionality. It wouldn't take that long to have more ways

*Lastly, flood the city with extra hackneys, all ways . however I am pretty confident that I know the business workload well enough to know that the wheelchair work is not sufficient enough to sustain this and the cost in profit to all drivers both hackney and pvt hire could be to a point were some may fold. So the positive is that you have let the people in who you say cannot get into the business for financial reasons.(but can find 25k for a new way ?) But the negative is you've closed the door for some who cannot make enough to keep operating.

The current overall workload in the city is not Huge and no one knows how the completion of the new bypass will affect trade. If all drivers are struggling then unhappy drivers turn into unprofessional drivers.

Sorry I don't attend the meetings . it is purely because I cannot bear to listen to the 3or 4 individuals Who attend from our side of the trade who I find nonsensical and irritating . they are a poor representation of our trade.

I believe we provide a fair and caring service in Lancaster . any changes made need to ensure that culture remains. .

Dear Wendy,

In response to the letter I received about the issue of availability of wheelchair vehicles, I would like to put my point of view across seen as I have one of the plates that stipulates my vehicle has to be wheelchair accessible.

Firstly after reading the letters of complaints that licensing received, I wish we knew why these people couldn't get a suitable taxi, I understand they were told there wasn't any but why, was there vehicles working but they were on other jobs, was there none out working or were the base staff or driver/owners of these vehicles refusing to do the work. The problem is because the complaints were not followed up at the time none of us know what the issue is. We can all presume but unless we know exactly we can't solve it.

From my point of view, as I own one of these vehicles, I can suggest what the issues are. The work is more time consuming and more arduous than picking up an able body passenger, but the price of the fare is the same. We do far more miles in the vehicles going to the jobs so the fuel consumption costs more, the vehicles are also more expensive to buy so earnings from these vehicles are less than your average saloon. Drivers are harder to come by because they don't want to earn less or have the concern for their wellbeing of this strenuous work. I work my vehicle Tuesday through to Friday day and I have a driver who works Saturday to Monday day sometimes it is out of a weekend night but not all the time as I can't get a driver. Yet the two private hires we own are driven on most shifts.

Also the vast majority of wheelchair jobs are off the radio. I can honestly say this year at the most I have done three rank jobs that were wheelchair. Most customers pass these type of vehicles on the rank as they want a saloon, in fact we have a customer who rings our firm who is a wheelchair user that transfers who refuses my vehicle.

I get very frustrated because if there was more of my type of vehicle I wouldn't get dragged here there and everywhere to accommodate this work, I then might get more drivers and be able to earn a decent living.

There is an owner/driver on my firm who has one of these plates, who will pick up rank wheelchair work but will not pick up radio wheelchair work, if he made his vehicle more available it would alleviate some of the pressure and financial loss I experience but after many discussions he is not prepared to do this because of the fear of losing drivers and money. The suggestion is that I do the same as them and although extremely appealing to have that attitude thankfully morally I don't and fortunately financially I can take it. But how many others of these plate holders take this stand?

Licensing, as far as I am aware can do nothing about this as long as they don't refuse rank work they are doing nothing wrong but what is licensing doing to assist the driver/owners like me who carry more than our fair share and try our best to provide a good service to wheelchair customers?

Because the biggest proportion of the work is on the phone the only answer I can see is to make all private hire vehicles wheelchair accessible it can't be hackneys as the walking public don't want a high vehicle. I know I am bypassed enough on the rank.

While I understand that as a council you have to provide access to services for everyone who lives in the borough, I'm not convinced that taxis are the answer to this problem. I think the issues and problems wheelchair users have in getting from a to b need to be looked at from a different angle. We have already clarified that Hackney vehicles, although they have these vehicles and plates, don't

have to provide a service to wheelchair users if they choose not to and from a legal point of view there is nothing licensing can do to enforce them to. If they were private hire vehicles licensing could enforce it by checking with the operators who is refusing the work and then remove their plates as it stands some of the wheelchair plate vehicles do the radio work and some don't why should any of us?

Yours sincerely

[Redacted signature]

Sent from my iPad

I enclose three documents in response to the consultation ending 27 November 2015.

These responses are variously from me - and from Councillor Mel Guilding (one of the City Council's Champions for the Disabled) and I. Each one has its authorship identified.

Please acknowledge receipt.

Cllr. J. R. Mace
Kellet Ward
23 November 2015

re Consultation on the Availability of Wheelchair Accessible Vehicles (in Lancaster District) - as approved by Licensing Regulatory Committee on 3 September 2015

Comments from Cllr. Mel Guilding and Cllr. J. R. Mace.
23 November 2015.

For the purpose of our initial comment, we define "wheelchair" as a non-motorised folding wheelchair - and we believe all local drivers should be willing and able to accommodate wheelchairs in their vehicles. We have no expectation that drivers should be able to accommodate motorised (or specially adapted) wheelchairs as these are not standardised, and may - or do - require transport in specialist vehicles. We also note that sometimes a disability can prevent a person from travelling in some types of WAV and that positive discrimination for one can be discrimination against another.

We note the LRC (relatively recently) imposed a requirement for drivers of WAVs to be trained on their handling of wheelchairs. We understand that the available "training" does little more than test the driver's handling of wheelchairs by asking him/her how he does it, and that this requirement for training incurs costs to operators and a potential disbenefit for the availability of WAVs to meet user demand - i.e. when "trained" drivers move on after training, or are not available to drive the WAV when a user requires it. We therefore recommend that consideration be given to removing the present training requirement as it has not been shown to improve safety for wheelchair users. We believe that it is the responsibility of the owner of the WAV to ensure that the driver can handle wheelchairs in and out of the vehicle - not the responsibility of the driver to demonstrate he has been trained (by producing a certificate) - and we think that the owner's insurance company would agree.

We think there needs to be "some give and take" in the expectations that WAV users have of the service, such that for example if an advance booking is made more than say 24 hours in advance, it should invariably be possible for it to be accommodated. Thus there could perhaps be a licensing requirement that a hackney carriage and/or private hire WAV be scheduled to be available to meet demand within an acceptable time scale. We consider it would be acceptable to require limited cooperation between private hire companies to achieve a target of at least one WAV being available in the district 24/7 - perhaps by requiring the publication of a rota of 24/7 availability and/or requiring that operators do not assign WAVs to other duties if that would jeopardise the agreed rota of 24/7 availability.

To improve the experience of users, we recommend that front line staff in private hire offices be given training in handling customers - to include scripts to ensure they ask customers what kind of vehicle is required and passing on information from the rota where appropriate. We also recommend that there should be a presumption that a user of a WAV may require a double journey - and that the timing and availability of a WAV for a possible return journey should be checked upon as part of "the script".

Finally, we recommend that permitted charges for "dead" mileage should be required to be uniformly applied, so that there is a level playing field between drivers, and no disincentive for the provision on demand of taxi services of all kinds (including WAVs) to rural residents. This latter point is particularly important given the anticipated withdrawal of all subsidies from local bus services.

re Consultation approved by Licensing Regulatory Committee on 3 September 2015

On 3 September 2015, the Committee authorised the Licensing Manager to commence consultation on the subject of the availability of Wheelchair Accessible Vehicles. The report before the committee had included two possible proposals put forward to Members for consideration relating to deregulation:-

- (a) that in the event of the restriction on numbers ceasing, any additional licences should be issued only to purpose built wheelchair accessible taxis; and
- (b) a further proposal that if the restriction is maintained, existing hackney carriage proprietors should be given a time limit of five years during which they must replace their vehicle with a wheelchair accessible vehicle.

Consultation

Mention is made in the report that the maintenance of taxi numbers in the Lancaster licensing district is, and has been, determined by regular unmet demand surveys; the last survey was conducted in 2013 and showed no unmet demand, and the next survey was due in 2016. The report goes on to examine the background and outcomes of previous surveys etc.

Briefly, the 2006 Judicial Review *Sardar -v- Watford* (which also was concerning the *modus operandi* of deregulation in that district) examined the way in which the relevant Committee was presented with information. Within the judgement of that High Court hearing was quoted oft-used "principles applicable to consultation" as set out in a Court of Appeal decision in *R -v- North and East Devon ex parte Coghlan*:-

"It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken..."

On that basis, a third option (not set out in the report but in effect approved by the committee on 3 September) was to maintain the status quo, ie retain the current number of 108 licensed hackney carriages in the district, and await the outcome of the next [scheduled] unmet demand survey in a year's time. Thus possible proposal (a) as set out above remains relevant only in respect of "any additional licences being issued only to purpose built wheelchair accessible taxis."

Council rationale: public complaints

The report advised that a number of complaints have been received from customers requiring wheelchair accessible vehicles, and that those passengers struggle to book a WAV and feel they are being discriminated against. Some of these written complaints were provided with the report.

I have every sympathy with and understanding of the frustration experienced by disabled passengers; but I wish to highlight a few aspects of these specific complaints:-

- (1) Without exception the complaints stemmed from the disabled passenger not being able to pre-book a wheelchair accessible vehicle. This signifies a private hire service, and it is not known by Members, or presented in the report, whether the vehicles involved (or not available) were some of

the 15 wheelchair accessible hackney carriage vehicles already licensed in the district, or whether they were private hire WAVs. This is particularly significant, as the proposal to increase the number of hackney carriages – albeit as wheelchair accessible vehicles – would not guarantee that any such vehicles would be any more readily available on a pre-booked basis.

- (2) Further, there does not appear to be included in the complaints any actual complaint from a wheelchair bound passenger having been disadvantaged at any of the Lancaster/Morecambe taxi ranks. The main issue revolves around lack of availability of WAVs for pre-booking.
- (3) One of the complainants states: "I can't see why there can't be an obligation as a condition of the licence maybe that a wheelchair user has priority for getting a wheelchair taxi over an able bodied person who can get in any taxi." I understand that conditions of licence have no governance over members of the public; and that if taxi numbers were increased in favour of WAVs, the hackney driver still commits an offence if he/she refuses a fare in favour of another passenger (unless at risk of danger).
- (4) The Licensing Manager responds to one of the complainants and states that she "will take the unprecedented step of recommending a proprietor to [you] who is well-known for doing wheelchair work..." This quite correct procedure is hardly unprecedented; other local authorities maintain lists of transport companies and/or drivers who specialise in wheelchair work. They display these lists on the council website, with whatever information is permissible under Data Protection, or they refer individuals back to the council for further details.
- (5) I understand that a number of licensed WAVs in the district are actually multi-seat vehicles with the capacity of carrying up to eight passengers in seats; however their driver/proprietor refuses to take any seats out to accommodate wheelchair passengers. As this is third party hearsay information, I would request that this possibility be investigated. Again, I do not know if these vehicles are amongst the 15 hackney WAVs already licensed, or whether they are licensed private hire.

Points raised at point 1.12 in the report

- (1) At point 1.12, in discussing the availability of wheelchair accessible vehicles, it is stated: "Although most hackney carriages are aligned to an operator it is clear from the complaints received that the 15 mandatory wheelchair accessible vehicles that we have licensed in total, spread out over the three operators and some independent, are not able to meet the demand." With the greatest respect, it is suggested that this is statement based on supposition rather than fact, as it is not known which vehicles (hackney or private hire) were involved in these complaints, or were not available to accommodate their passengers. It is quite conceivable that the quantity of WAVs is not entirely the problem; rather the willingness of their drivers/companies to take on the work.
- (2) Point 1.12 goes on: "However as there is no obligation to do so [that is, for private hire WAVs to take disabled passengers], it is difficult to quantify how many wheelchair accessible vehicles are licensed at any time over and above the 15 mandatory vehicles." With respect, surely the records within the licensing department will confirm the exact number and type of every vehicle licensed in the district; the council is obliged by the legislation to maintain this information, and the V5 document should confirm its type and size. A further footnote can be attached to the vehicle's paperwork as to whether it is intended/available for regular use as a WAV; and of course I understand the 15 mandatory taxis have their own conditions of licence.

(3) Still at point 1.12 it states: "Hackney carriage vehicles are public service vehicles." This is very much not the case: the Public Passenger Vehicles Act of 1981 narrowed down the types of vehicle that could be defined as both private hire vehicles and hackney carriages, by way of exclusion from the category of public service vehicles:- "... in this Act 'public service vehicle' means a motor vehicle (other than a tramcar) which - (a) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward..." This was reinforced by Schedule 7 of the 1985 Transport Act: "In England and Wales, the provisions made by or under any enactment which apply to motor vehicles used - (a) to carry passengers under a contract express or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum; and (b) to ply for hire for such use; shall apply to motor vehicles adapted to carry less than nine passengers as they apply to motor vehicles adapted to carry less than eight passengers." This distinction is important, in that if hackney carriages were indeed public service vehicles they would not fall under the jurisdiction of Lancaster City Council but rather the Commissioners for Transport under an HGV licence.

Implications of proposal (b) above.

Turning to the draft proposal (b) above, "if quantity controls are maintained, whether existing hackney carriage proprietors should be given a set time of five years to replace their vehicle with a wheelchair accessible vehicle," I ask for clarification. Is the council proposing to maintain an all-wheelchair accessible taxi fleet? If that is the case, this flies in the face of every known authority on the subject of WAV taxis from the original DDA proposals in 1995 - that all taxis in England and Wales should ultimately be wheelchair accessible. This did not happen and I am told is unlikely to ever happen.

The reason the countrywide proposal has not happened is that whenever a piece of national legislation is brought in, a cost compliance exercise must be undertaken to assess the financial viability of that legislation and the impact upon those who are affected by it. Following the enactment of the DDA, a cost compliance exercise was undertaken by Phillip Oxley at Cranfield University on the matter of mandating an entire taxi fleet in any one area, or indeed across the country. That cost compliance exercise was released only after four years and a FOI request, and it concluded exactly what most people predicted: that an all-wheelchair accessible taxi fleet is neither affordable, nor sustainable, by the licensed trade.

In March 2007 the European Conference of Ministers of Transport voiced their support of a mixed taxi fleet; subsequently the Department for Transport issued a letter to the Chief Executive of all local licensing authorities acknowledging "representations making the case for a broader range of disabled people's needs to be met in any regulations, rather than restricting the requirements only to wheelchair users. As a result, regulations have not been made."

Further drawbacks to an all-wheelchair taxi fleet include:-

- Not all disabled passengers wish to travel in the large purpose-built taxis. It was upheld in the Milton Keynes case that not only elderly passengers but also stroke victims, blind and partially sighted persons, and arthritis sufferers really do struggle to get in and out of purpose built taxis. We strongly urge that any consultation exercise must include not just wheelchair bound passengers but every type of person who uses taxis. That includes residents of the care homes and nursing homes in the District (Lancaster/Morecambe/Carnforth/Heysham).

The trade will tell you that for the most part, disabled passengers prefer to travel in the front passenger seat next to the driver of a saloon car: when their wheelchair is folded and placed in the boot, and they are sitting in a normal seat, for that brief period they are not disabled - they are just

the same as the driver and everybody else around them. This is an important aspect of disabled passenger travel, and that customer choice would be removed if the fleet went all-WAV.

- Statistically, to mandate the entire hackney fleet in Lancaster would amount to overkill. To illustrate, the existing 15 taxi licence holders represent 13.9 per cent of the current taxi fleet in the district. A study conducted by Parry on wheelchair users across the UK in 2013 informs us that the population of Lancaster from the 2011 Census was 138,375; of those, 2,692 are wheelchair users. That represents 1.9 per cent of the population in the area - hardly justification for such a drastic step as to change the entire taxi fleet over to WAVs to accommodate that small number, not all of whom use taxis.
- Point 1.19 in the report to the LRC talks about ultra-low emission vehicles; this trend is coming in more quickly than most people originally thought. London taxis are expected to be zero emission capable by 2020 and, as the report states, ULEZ purpose-built fully accessible taxis are not yet widely available. When they will be available, we are advised that the price tag is high: figures in the region of £45,000 are being suggested. To contemplate imposing this level of expenditure across the entire Lancaster taxi trade surely could not be countenanced. Further, until and unless there are sufficient electric charging points situated around the district, it is submitted that an all-WAV and eco-friendly fleet could not be viable. London licence holders are already making representations to Parliament along those lines, as the ULEZ restrictions will apply to private hire in London as well.

Training and enforcement

As stated earlier in this document, the complaints included in the report to the LRC all involve the inability of disabled passengers to pre-book a wheelchair accessible vehicle. What is particularly revealing - if accurate - is the treatment of these disabled passengers by those whom they contact. One complainant, , tells the Licensing Department: "I don't know anyone else that uses a wheelchair so unfortunately can't help with that one." The comment indicates two things: firstly that there are not many wheelchair bound passengers, and also it appears as though this person was being canvassed for some reason.

The same complainant states in a subsequent email: "I find it strange and frustrating that in my own town I can't get a taxi without having the stress and worry of not knowing whether a wheelchair taxi or an ordinary one is going to turn up." In most other licensing authorities we have company members who have a specific tick-box on their booking screen, or whose dispatcher asks outright, "Wheelchair vehicle required?"

This answers the next highlighted query from the complainant whose treatment by the first company dispatcher was less than satisfactory... "ring somebody else"? The complainant goes on to ask: "Is it correct that you cannot pre-book a disabled taxi? Or did they just not want to be bothered?" Yes, any passenger is supposed to be able to pre-book a WAV.

Then the same complainant goes on to describe the indignity and danger to the passenger of the driver (and a passer-by) struggling to push the passenger up the ramp, and the resultant difficulties making the passenger refuse to use the taxi. We would query whether the "petite" lady driver should apply for an exemption to assist wheelchair passengers - or to carry them at all, which defeats the object of driving a WAV. The extent of detail provided by this particular complainant adds up to one thing: Insufficient training.

I understand that it is a condition of licence for the 15 wheelchair accessible taxis already licensed in the district that: "Only persons who have passed the wheelchair enhanced part of the Driver Vehicle Standards Agency Test will be permitted to drive a mandatory wheelchair accessible vehicle." I would ask whether the

drivers of any WAV private hires in the district have undergone the same training. Further, I would query whether the content of the DVSA taxi test/wheelchair supplement is sufficiently robust to be useful.

As for passengers being stranded in Morecambe town centre because two companies' wheelchair taxis were all in Lancaster and would not be travelling to Morecambe, I am told that if these refusals of work are coming from the 16 existing WAV taxi plate holders, they are committing an offence. If they are private hire, then each company must clamp down on their own firm's policy about providing transport for all, including disabled passengers. Further, it is submitted that an awareness campaign should be generated by the council following these complaints, and some sort of enforcement be brought against the company by way of punitive measures on the operator.

Another complainant was told that the dispatcher "could not take any wheelchair taxi bookings at all. He said the drivers were all self employed and he couldn't force them to come into work." The other company told the complainant that "all their wheelchair taxis are doing school contracts so are very limited with the times they can work anyway." The complainant (who subsequently purchased a car) signs off with: "All the taxi firms refuse bookings for disabled taxis; you have to take a chance on getting one...and if they are all in Lancaster they refuse to come to Morecambe... they outright refuse, saying 'It's all right the council saying they have to provide it, but the council are not the ones providing the cars'. Basically they have no reason to obey any rules set because you never take any action against them."

It is common knowledge amongst the trade that most drivers will try to avoid wheelchair work because it takes longer. Until and unless the Government puts forward some incentives to encourage more WAVs onto the fleet, the situation will not be resolved merely by adding more WAV taxi numbers; this just waters down the available work all around. In the meantime, it is up to the local authority to focus on the disability issues highlighted in the complaints.

I have am grateful for the advice that I have received on the background to the consultation and on the interpretation of the complaints which led up to the report to the committee on 3 September.

Cllr. J. R. Mace
23 November 2015

Questions on [LRC 3 September 2015] agenda item 34: Restriction of Number of Hackney Carriages

The following was resolved at the 3 September 2015 LRC:

1. That the Licensing Manager be authorised to commence consultation with the taxi and private hire trade and stakeholders on potential solutions to the perceived problems relating to the availability of wheelchair accessible vehicles.
2. That representatives of the vehicle operators be invited to attend the next meeting of the Committee.

These resolutions totally replaced the recommendations in the report - implying that only the issues raised in para 1.9 in the report in the agenda are those to be consulted upon - and NOT those in paras 1.13 and 1.14 which in particular were excluded from the consultation.

Questions

1. Of the current 15 hackney carriage licences ('free plates') having been granted to WAVs in the district:-
 - a. How many of these licence holders work on private hire operator circuits -- i.e. receive the majority/all of their work by pre-booking?
 - b. How many of these licence holders ever work from the Lancaster/Morecambe ranks?
 - c. If they do work the ranks, can their vehicle be accommodated? (i.e. Is there sufficient rank space?) Are there any ranks in Lancaster/Morecambe where nearside loading of wheelchair passengers is not possible from the kerb - due to the position of the rank, or due to the lack of a dropped kerb?
 - d. Are any of the 15 plates assigned to rear-loading vehicles? Do their drivers receive objections from saloon plate holders for blocking the rank due to rear loading of the passenger and wheelchair?
 - e. What types of vehicle are licensed? Are they purpose-built, or 'van conversions' -- ie seven- or eight seater MPVs.
 - f. If the vehicles are conversions, do the proprietors/drivers allow seats to be removed to accommodate wheelchair passengers?
 - g. Under the conditions of licence, do the sliding doors of any/all of these vehicles open to the full aperture to allow access/egress of the wheelchair? Has this condition ever been enforced?
 - h. It is a current condition of licence that all drivers of these taxi WAVs receive training. What training/qualifications are given, and how many of the taxi WAV drivers have completed this training?
 - i. Have any of the drivers of these 15 WAV taxis requested a medical exemption from assisting wheelchair passengers? This exemption is set out in the Equality Act 2010, sections 165/166; specific attention is drawn to subsection 165(4)(e).
 - j. It would be logical to enquire as to whether -- if a driver is granted such medical exemption -- they should be driving a wheelchair accessible vehicle in the first place. [This note applies to private hire drivers with WAVs as well]

2. Of the existing private hire licence holders in the district:-

- a. How many private hire wheelchair accessible vehicles are licensed in Lancaster/Morecambe?
- b. Under the legislation, these WAV private hire vehicles could not be purpose-built (ie. black cabs) as they would resemble hackney carriages. What types of vehicles are being operated as private hire WAVs, and do the proprietors/drivers allow removal of seats to accommodate wheelchair bound passengers?
- c. How many of the drivers of these vehicles drive for the three main private hire operators in the district, and how many are sole operators?
- d. Of those who drive WAVs for the main operators, are they permanently designated to school/Social Services contracts to the exclusivity of all other types of work?
- e. How many local drivers (of the total of licensed hackney carriage and private hire drivers) have undergone disability awareness training? To what level?
- f. How many drivers of private hire WAVs have undergone disability awareness training? To what level?
- g. How many of the main operators are aware of the complaints lodged with the council about refusal of wheelchair work? Have any of those complaints been raised with the operators first/as well?
- h. Should a condition of licence request that operators keep records of requests from the public for WAVs? (note: such records would potentially assist the scheduling of vehicle allocations to improve availability of WAVs at times when they in demand).

3. In relation to both hackney carriage and private hire wheelchair accessible vehicles:-

- a. How long does an applicant have to wait to undergo disability training?
- b. What qualification do they gain, and from where?
- c. What is the cost of taking the qualification/training, and who pays for this?
- d. Does the licensing department enforce on this point; ie. do officers check whether drivers currently hold such qualification; and if they have previously qualified (ie. the BTEC issued prior to current conditions having been brought in), does that qualification stand, or do they have to take the DVSA taxi/wheelchair test as well?
- e. Does the council know how many wheelchair bound passengers regularly require taxi/PHV journeys? Time of day? Purpose? [This is the type of information that has been gleaned during consultation with disability groups in other districts when considering policy of this nature.]

Cllr. Mel Guilding
Cllr. J. R. Mace
23 November 2015