

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 made to 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 license 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 minuets 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 minuets 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

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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

[REDACTED]

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

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

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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 ,



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 failing 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.



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 where 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 3 or 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]

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' -- i.e. 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
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