

**Cheltenham Borough Council**  
**Cabinet – 6 November 2018**  
**Implementation of Taxi Wheelchair Accessible Vehicle Policy**

<b>Accountable member</b>	<b>Councillor Andrew McKinlay, Cabinet Member for Development &amp; Safety</b>
<b>Accountable officer</b>	<b>Mike Redman, Director of Environment</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>On the 6th of March 2018, Cabinet adopted a revised licensing policy for taxi and private hire licensing in Cheltenham. The policy revision included the adoption of a revised policy on the suitability of vehicles to be licensed as hackney carriage vehicles.</p> <p>Consultation with the public hire trade has now been undertaken and this report sets out the outcome of that consultation and also recommendations for the adoption on a wheelchair accessible vehicle ("WAV") specification and other implementation arrangements.</p>
<b>Recommendations</b>	<p><b>Cabinet is recommended to:</b></p> <ol style="list-style-type: none"> <li><b>1. Adopt the proposed vehicle specification at appendix 4;</b></li> <li><b>2. Approve the proposed mitigation arrangements as set out in paragraph 5;</b></li> <li><b>3. Approve the other changes outlined in paragraph 6; and</b></li> <li><b>4. Delegate authority to the Licensing Team Leader to make the necessary changes to the adopted licensing policy and procedures, subject to the outcome of this report and its recommendations.</b></li> </ol>
<b>Financial implications</b>	<p><i>There are no major financial implications to this paper. It is expected that there will be a turnover of licenses as some people may enter this trade as others may decide to leave as is normally the case</i></p> <p><b>Contact officer: Andrew Knott, <a href="mailto:Andrew.knott@cheltenham.gov.uk">Andrew.knott@cheltenham.gov.uk</a>, 01242264121</b></p>

<b>Legal implications</b>	<p>The Equality Act 2010 requires the providers of public transport services, including the proprietors and operators of taxis and private hire vehicles, to ensure people with disabilities are not discriminated against (or treated less favourably). The Equality Act 2010 amended the Disability Discrimination Act 1995 (DDA) and lifted the exemption in part 3 of that Act for operators of transport vehicles. Therefore taxi drivers, proprietors and operators now have a duty to ensure people with disabilities are not discriminated against or treated less favourably. Licensing authorities must therefore review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.</p> <p><b>Contact officer: Vikki.fennell@teWKesbury.gov.uk, 01684 272015</b></p>
<b>HR implications (including learning and organisational development)</b>	<p><b>None arising from this report.</b></p> <p><b>Contact officer: Clare Jones, Clare.Jones@publicagroup.uk</b></p>
<b>Key risks</b>	<b>As outlined in Appendix 1</b>
<b>Corporate and community plan Implications</b>	None
<b>Environmental and climate change implications</b>	None
<b>Property/Asset Implications</b>	None

## **1. Background**

- 1.1** On the 6<sup>th</sup> of March 2018, Cabinet adopted a revised licensing policy for taxi and private hire licensing in Cheltenham. The policy revision included the adoption of a revised policy on the suitability of vehicles to be licensed as hackney carriage vehicles.
- 1.2** The policy adoption was subject to an Overview and Scrutiny Committee call-in the same month. The outcome of the call-in meeting was an endorsement of the Cabinet decision without qualification.
- 1.3** Both Cabinet and the Overview and Scrutiny Committee encouraged further engagement and consultation with the public hire trade on the implementation of the policy and any mitigation that can be put in place with regards to the implementation of the policy.
- 1.4** Consultation with the public hire trade has now been undertaken and this report sets out the outcome of that consultation and also recommendations for the adoption on a wheelchair accessible vehicle ("WAV") specification and other implementation arrangements.

## **2. Reasons for recommendations**

- 2.1** To provide clarity to the public hire trade on the specification of wheelchair accessible that the council will accept as suitable.
- 2.2** To implement mitigation arrangements to assist the trade with the impact of implementing the revised policy.

## **3. Alternative options considered**

- 3.1** Cabinet can choose not to adopt the proposed vehicle specification. However, this will not be advisable as the lack of a clear vehicle specification will leave the public hire trade, manufacturers, officers and vehicle suppliers without clear guidance on the council's requirements.
- 3.2** Cabinet can also choose not to adopt some or any of the proposed mitigation arrangements set out in this report. Doing so may be perceived as a hindrance to the WAV policy adoption.

## **4. Consultation and feedback**

- 4.1** Formal consultation has been undertaken with the public hire trade. The consultation ran for 6 weeks between September and October. 105 respondents submitted the same response. A copy of the aforementioned response is attached at appendix 2. Since the response was the same from all the respondents, officers have only attached one copy of the response but would like to draw attention that this consultation response was submitted by 105 consultees.
- 4.2** There was one additional consultation response also attached at appendix 2.
- 4.3** The consultation was also submitted for comment to the council's Accessibility Working Group who made no comment in relation to the consultation.
- 4.4** The consultation sought views on the draft vehicle specification, transitional arrangements and proposed maximum age limits for WAV vehicles. On the latter point, it is proposed that purpose-built WAVs (as defined in the consultation document) will be licensed for up to 14 years whereas vehicles converted to WAV taxis will be licensed for up to 10 years. The higher age limit for purpose-built WAVs takes into account the fact that these vehicles are, as the term describes, purpose built to last longer than a converted vehicle and also purpose-built WAVs cost more as a consequence.

- 4.5** A number of meetings were held with representatives of the Cheltenham Taxi Drivers Association to inform them of the consultation referred to above. As noted in the Overview and Scrutiny Committee feedback report, attached at appendix 3, the dialogue was challenging and continued to be so throughout the meetings.
- 4.6** Whilst the representatives of the Cheltenham Taxi Drivers Association continued to oppose the policy as a whole, it became clear that there was a need for the public hire trade to be provided with clear guidance on the council's requirements with regards to suitable vehicles to be licensed as hackney carriages under the WAV policy hence the formal consultation.
- 4.7** The draft proposed vehicle specification that was the subject of the formal consultation referred to above is attached at appendix 4.
- 4.8** The consultation document's scope stated:

The council is aware of the implications of its adoption of a WAV policy on affected licence holders. In light of this, the council is seeking views on the implementation arrangements and steps it can take to mitigate the impact of the policy adoption on the licensed trade.

This consultation sets out proposed implementation and mitigation steps.

*For the avoidance of doubt, the scope therefore of this consultation relates to the implementation of the adopted WAV policy. The substantive WAV policy has been adopted and therefore not within scope of this consultation.*

- 4.9** A copy of the consultation document is attached at appendix 5 of this report.
- 4.10** Cabinet will note however, that the majority of consultation feedback related to the adoption of the WAV policy as a whole not the implementation of the adopted policy. It was therefore difficult for the officers to extract anything meaningful in relation to the practical suitability of the proposed technical specification for WAV vehicles. On this basis, officers have moved to seek approval of the proposed policy specification.
- 4.11** The trade response did raise the issue of air quality issues in relation to taxis in Cheltenham making the point that there are limited low emission WAVs available on the market. Advice from the lead air quality officer is that Euro 5 as a minimum standard is acceptable locally. However, the draft vehicle specification makes it clear that the minimum standard is Euro 5 leaving the option open to vehicle proprietors to purchase WAVs that comply with a higher emission standard such as Euro 6, ultra-low emission or electric vehicles. The council will actively encourage vehicle proprietors to purchase high standard vehicles as this will, in addition to improving air quality, also ensure the longevity of their investment in a new WAV.
- 4.12** Officers will be in a position to approve vehicles types once the specification has been adopted.

## **5. Mitigation proposals**

- 5.1** In addition to the formal consultation, a number of mitigation arrangements are proposed for Cabinet approval.
- 5.2** The proposed mitigation arrangements are:
- 5.2.1** Clarification on the implementation date was agreed as December 2021 to take into account the time that has elapsed on the policy implementation discussions and agreement of the vehicle specification.
- 5.2.2** The trade representatives have also requested that the council consider waiving new licence fees for proprietors who will be required to change the vehicles.

- 5.2.3** Exemptions be put in place to allow saloon hackney carriage vehicles to re-license as private hire vehicles. The exemptions referred to above will include the ability for silver hackney carriage saloon vehicles older than 5 years to be licensed as private hire vehicles. The overriding consideration will be the fitness and safety of the vehicle on re-licensing and normal maximum age limits for private hire vehicles will apply.

## **6. Other matters**

- 6.1** Officers would like to take the opportunity to make a number of changes to the adopted policy document:
- 6.1.1** The council has now adopted the use of the National Register of Taxi Licence Revocations and Refusals (NR3). The policy document needs to be updated to reflect this.
- 6.1.2** Officers have now implemented the changes to the local knowledge training day, as was approved by Cabinet in March 2018. The policy document will need updating to reflect this.

## **7. Performance management –monitoring and review**

- 7.1** None.

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<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. Consultation responses</li><li>3. O&amp;S feedback report</li><li>4. Proposed draft vehicles specification</li><li>5. Consultation document</li></ol>
<b>Background information</b>	<ol style="list-style-type: none"><li>1. Reports and minutes from Cabinet, Tuesday, 6th March, 2018</li><li>2. Reports and minutes from call-in, Overview &amp; Scrutiny Committee, Wednesday, 28th March, 2018</li><li>3. Consultation on implementation and mitigation of the WAV policy</li><li>4. Licensing Policy, Guidance and Conditions for Private Hire and Taxis Operating within the Borough of Cheltenham</li></ol>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If Cabinet does not approve a WAV specification there is a risk that no clear guidance will be available for the trade and officers to implement the policy.	Licensing Team Leader	Oct 18	3	3	9	Accept	Adopt proposed specification			

**Explanatory notes**  
**Impact** – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)  
**Likelihood** – how likely is it that the risk will occur on a scale of 1-6  
 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)  
**Control** - Either: Reduce / Accept / Transfer to 3rd party / Close

### Guidance

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

**Risk ref**

If the risk is already recorded, note either the corporate risk register or TEN reference

**Risk Description**

Please use “If xx happens then xx will be the consequence” (cause and effect). For example “If the council’s business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted.”

**Risk owner**

Please identify the lead officer who has identified the risk and will be responsible for it.

**Risk score**

Impact on a scale from 1 to 5 multiplied by likelihood on a scale from 1 to 6. Please see risk [scorecard](#) for more information on how to score a risk

**Control**

Either: Reduce / Accept / Transfer to 3rd party / Close

**Action**

There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

**Responsible officer**

Please identify the lead officer who will be responsible for the action to control the risk.

For further guidance, please refer to the [risk management policy](#)

**Transferred to risk register**

Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on