

**Cheltenham Borough Council**  
**Council – 21<sup>st</sup> June 2021**  
**Petition: Delay the all WAV policy for two years**

<b>Accountable Member</b>	Cabinet Member for Customer & Regulatory Services – Councillor Martin Horwood
<b>Accountable Officer</b>	Director of Environment, Mike Redman
<b>Ward(s) Affected</b>	All
<b>Significant Decision</b>	No
<b>Executive Summary</b>	<p>The following petition was received by Council on 18<sup>th</sup> March 2021.</p> <p><i>‘Delay the all WAV policy for two years.’</i></p> <p><i>‘We the undersigned petition the council to Delay the implementation of the all WAV policy for two years (this policy states that hackney carriages shall only be licensed if they are Wheelchair Accessible Vehicles and is due to come into force on the 1st January 2022).’</i></p> <p>As the petition had in excess of 750 signatures, it is entitled to a debate at Council.</p>
<b>Recommendations</b>	<p><b>Council is to note the Cabinet Member for Customer &amp; Regulatory Services continues to support the policy implementation on 31 December 2021 but his intention is to continue engagement and dialogue with members of the public, including through the Accessibility Forum, and with members of the licensed trade.</b></p>

<b>Financial implications</b>	None arising from this report.  <b>Contact officer: Andrew Taylor, <a href="mailto:Andrew.Taylor@cheltenham.gov.uk">Andrew.Taylor@cheltenham.gov.uk</a></b>
<b>Legal implications</b>	The petition will be debated at Council in accordance with the Council's Petition Scheme. The petition will be considered in accordance with the Council Procedure Rules varied in so far as necessary to comply with the attached process. Council can only take the requested action if it is a matter that is reserved to Council. This policy is an Executive matter.  <b>Contact officer: One Legal, <a href="mailto:legal.services@tewkesbury.gov.uk">legal.services@tewkesbury.gov.uk</a>, 01684 272012</b>
<b>HR implications (including learning and organisational development)</b>	None arising from this report.  <b>Contact officer: Clare Jones, <a href="mailto:Clare.Jones@publicagroup.uk">Clare.Jones@publicagroup.uk</a></b>
<b>Key risks</b>	
<b>Corporate and community plan Implications</b>	Not applicable.
<b>Environmental and climate change implications</b>	Not applicable.
<b>Property/Asset Implications</b>	Not applicable.

## 1. Background to the Petition Scheme

- 1.1 The Council's Petition Scheme is designed to ensure that the public have easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a petition with 750 signatures be received.
- 1.2 The Scheme recognises that the issue may be referred to another part of the authority where the matter is not one reserved for Council. The purpose of the requirement for Council debate, therefore, is not to ensure that the final decision relating to the petition issue is made at that Council meeting but to increase the transparency of the decision making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the petition organiser and public to attend. It also ensures that local people know that their views have been listened to and they have the opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject matter of the petition.

## 2. The Petition

- 2.1 The Council received a petition on 18 March 2021. The wording of the petition is set out in the Executive Summary of this report.
- 2.2 Mr David Chambers was nominated as the petition organiser.

**2.3** The Council is therefore required to debate the petition for a maximum of 15 minutes in accordance with the Petitions Scheme approved by Council on 13th May 2010. A process for dealing with a petition was produced by officers and is attached at Appendix 1 as a process to be followed for the debate at this meeting. The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows:

- Taking the action requested in the petition (provided the matter is reserved to full Council for decision);
- Referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration;
- Holding an inquiry into the matter;
- Undertaking research into the matter;
- Holding a public meeting;
- Holding a consultation;
- Holding a meeting with petitioners;
- Calling a referendum;
- Writing to the petition organiser setting out our views about the request in the petition;
- Taking no further action on the matter.

### **3. Officer Comments**

#### **WAV Policy – Background**

**3.1** The table below set out the timeline relating to key events in the WAV policy adoption:

September 2017	The then Cabinet Member for Development and Safety approved a draft Hackney Carriage (taxi) and private hire licensing policy for consultation. A 12-week consultation was undertaken between September and December 2017 including proposals to ensure all licensed Hackney Carriages (taxis) are fully wheelchair accessible vehicles (WAVs) by 2021.
6 March 2018	Cabinet unanimously adopted the revised Hackney Carriage and private hire licensing policy including the WAV requirement.
28 March 2018	<p>The Cabinet decision was subject of an Overview &amp; Scrutiny (“O&amp;S”) call-in review, which was heard on the 28th of March 2018.</p> <p>The O&amp;S Committee resolved unanimously to:</p> <ol style="list-style-type: none"> <li>1. Support the decision made by Cabinet on 6 March 2018 regarding the review of taxi and private hire licensing policy without qualification;</li> <li>2. Note that there will be further consultation with the taxi drivers on appropriate mitigation issues and request that these be in a spirit of</li> </ol>

	<p>constructive dialogue;</p> <p>3. Request the Chair to send a letter to Alex Chalk MP and Laurence Robertson MP requesting them to raise the matter with government and ask when the minister would be clarifying government policy on this issue; and</p> <p>4. Request a report is brought back to O&amp;S in the Autumn 2018 on the results of the consultation in 2 above.</p>
April - October 2018	Officers met with trade representatives
October 2018	<p>Feedback to O&amp;S on WAV Taxi Policy Implementation discussions. A number of practical issues were agreed or put forward by the trade:</p> <ul style="list-style-type: none"> <li>• The council will not mandate that any currently licensed hackney carriage vehicle be replaced – provided it remains safe, suitable and in good condition – until a specification has been agreed (which has now been completed.)</li> <li>• 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.</li> <li>• Cabinet approved waiving new licence fees for proprietors who will be required to change the vehicles.</li> <li>• Special dispensation has been granted so that saloon vehicles can be licensed as private hire vehicles notwithstanding the fact that they are Silver in colour.</li> </ul>
November 2018	Cabinet approved the mitigation steps above.

### WAV Policy – Requests to defer policy

**3.2** In May 2020, the then Cabinet Member for Development and Safety, now Cabinet Member for Cyber and Strategic Transport, considered a request for the policy’s implementation date to be deferred. This request was rejected. The decision was published and gave the following reasons for turning down the request:

**3.2.1** The substantive policy decision was taken in 2018, which gave licence holders sufficient time to

plan and prepare for the transition.

- 3.2.2 Changing the implementation date of the WAV policy would penalise other licence holders who have already changed their saloon vehicles to wheelchair accessible vehicles.
- 3.2.3 There is financial support available to the trade through the Government's 'Self-Employment Income Support Scheme' that is aimed at mitigating financial loss caused by the pandemic.
- 3.2.4 Further mitigation to support the hackney carriage trade has been put in place locally, including the ability for saloon hackney carriage vehicles to be re-licensed as private hire vehicles.
- 3.2.5 A further delay will adversely affect the primary policy intention, which is to make publically available transport in Cheltenham more inclusive and accessible to all.
- 3.3 Since the decision in May referred to above, a number of similar requests have been submitted by trade representatives but turned down for the same reasons.

### Overview of Hackney Carriage vehicle licences

- 3.4 Overview of Hackney Carriage vehicle licences on 24 May 2021

Total number of licenses issued	206
Total number of WAVs	66 (32%) The percentage of WAVs when the policy was adopted in 2018 was 22%.

### Equality Duty

- 3.5 The equality duty referred to in the March 2018 Cabinet report remains relevant. As set out in that report, under the authority's public sector equality duty, the authority has a statutory duty in the exercise of its functions, to have due regard to the need to:
  - 3.5.1 Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - 3.5.2 Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - 3.5.3 Foster good relations between people who share a protected characteristic and those who do not.
- 3.6 The equality duty covers the nine protected characteristics including age and disability.

### Vehicle Specification

- 3.7 The adopted WAV vehicle specification, briefly, requires WAVs to be silver in colour, be less than 5 years old from the date of the vehicle's registration and capable of carrying not less than 4 (unless carrying a wheelchair) and not more than 8 passengers with the provision of a seatbelt and head restraint for each passenger.
- 3.8 To give Members an indication of the price range for compliant WAVs, second-hand vehicles start from £10,500 for Peugeot range of WAVs to upward of £50,000 for London style taxis.

<b>Report author</b>	<b>Louis Krog</b> <b>Contact officer: louis.krog@cheltenham.gov.uk, Tel: 01242 264135</b>
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Process for dealing with petitions at council</li><li>2. Risk assessment</li></ol>
<b>Background information</b>	N/A

## **Process for dealing with petitions at Council**

The following is the recommended process to be followed for the debate of a petition at the Council meeting in accordance with the Council's Petition Scheme. The Council Procedure Rules shall be suspended in so far as necessary to facilitate this process.

### **1. The Mayor will remind members of the procedure to be followed**

### **2. Statement by the petition organiser**

The Mayor will invite the petitioner organiser or their representative to come to the microphone and speak for up to 5 minutes on the petition.

There will be no questions and the petition organiser/their representative will take no further part in the proceedings.

### **3. Clarification on the background information in the officer's report**

Members will be invited to ask any questions for clarification as to the facts in the officer's report.

### **4. Statement by the relevant Cabinet Member**

The Cabinet Member whose portfolio is most relevant to the petition will be invited by the Mayor to speak for a maximum of 5 minutes on the subject of the petition. They may wish to refer to the background report from officers circulated with the papers for the meeting.

They may also wish to propose a motion at this point; if so, the motion must be seconded.

### **5. Debate by members**

Where a member has proposed a motion (which is seconded), the usual Rules of Debate (Rule 13) will apply.

If there is no motion, the Mayor will invite any member who wishes to speak on the petition to address Council for up to a maximum of 3 minutes.

When the 15 minutes set aside for the debate (as laid down in the Council's Petition Scheme) is up, the Mayor may decide to extend the time allowed for the debate but will bring it to a close when they feel sufficient time has been allowed.

### **6. Conclusion of Debate**

The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows:

- Taking the action requested in the petition (provided the matter is reserved to full council for decision);
- Referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration;
- Holding an inquiry into the matter;
- Undertaking research into the matter;
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