

Cheltenham Borough Council
Leader of the Council – 20 September 2021
Urgent Decision on the Implementation of the Taxi Wheelchair
Accessible Vehicle Policy

Accountable member	Councillor Martin Horwood, Cabinet Member Customer & Regulatory Services
Accountable officer	Michael Redman, Director of Environment
Ward(s) affected	All
Key/Significant Decision	Yes
Executive summary	<p>The outcome of a Full Council debate on 21 June 2021 was that the Cabinet Member Customer & Regulatory Services, Councillor Martin Horwood, would undertake further engagement on the WAV policy implementation.</p> <p>Engagement with the stakeholders referred to above has been taking place which resulted in broad agreement on proposed way forward. The authority however needs time to develop and consult on this policy revisions and it is therefore necessary to review the WAV policy implementation date and address issues arising during the interim period.</p> <p>There has also arisen an urgent need to provide the licensed trade with clarity and certainty to avoid unnecessary investment and expenditure in light of the above.</p> <p>It is therefore proposed that the Leader of the Council, in consultation with the Chief Executive, exercise emergency decision making powers as outlined in the recommendations below.</p>
Recommendations	<p>That the Leader of the Council, in consultation with the Chief Executive, makes an urgent decision to:</p> <ol style="list-style-type: none"> 1.1 Remove the date of 31 December 2021 for implementation of the WAV policy and commits to undertaking a review and necessary decision for implementing an updated WAV policy; and 1.2 Adopt the interim measures as outlined in paragraph 2.8.1 to 2.8.5; and 1.3 To delegate authority to the Licensing Team Leader to take necessary steps to implement the policy changes under 1.1 and 1.2.

Financial implications	<p>None arising directly from this report.</p> <p>Contact officer: Clare Jones, Clare.Jones@publicagroup.uk</p>
Legal implications	<p>Under Part 3E of the Constitution the Leader has authority to undertake an Executive function delegated to Cabinet which in the opinion of the Chief Executive requires an urgent decision before the next Cabinet meeting. Cabinet originally considered and agreed this policy.</p> <p>Any decision taken by the authority, could be subject to a public law challenge and must be reasonable having considered all of the relevant circumstances. The authority must also consider its obligations under the Equalities Act 2010.</p> <p>Contact officer One Legal – legalservices@onelegal@org.uk (01684) 272012</p>
HR implications (including learning and organisational development)	<p>None arising directly from this report.</p> <p>Contact officer: Clare Jones, Clare.Jones@publicagroup.uk</p>
Key risks	As outlined in this report at 2.7 and section 4.
Corporate and community plan Implications	N/A
Environmental and climate change implications	N/A
Property/Asset Implications	None arising from this report.

1. Background

- 1.1 In 2017, the authority's Cabinet approved a policy that required all licensed hackney carriage vehicles to be wheelchair accessible vehicles (WAVs) by 31 December 2021.
- 1.2 The outcome of a Full Council debate on 21 June 2021 was that the Cabinet Member Customer & Regulatory Services, Councillor Martin Horwood, would engage with the trade and disability groups and representatives on the implementation date as unanimously resolved by Full Council.
- 1.3 Since the June 2021 Full Council debate, engagement with the stakeholders referred to above has been taking place which resulted in a broad agreement on proposed way forward.
- 1.4 As a consequence, it is necessary for the authority to reconsider the implementation date of the wheelchair accessible vehicle (WAV) policy to allow time for the development of revised licensing policies and strategies.
- 1.5 It is however urgent that clarity be provided to the licensed trade without further delay to avoid further and unnecessary investment and expenditure. With the current deadline approaching, vehicle proprietors are actively considering the purchase of compliant WAVs. However, in light of the proposed policy revision, the authority should provide urgent clarity to ensure vehicle proprietors do not purchase a compliant WAV now and then be required to replace this vehicle again in the next 4-5 years.
- 1.6 Part 2, paragraph 13.2(d) enables the Leader to take an urgent decision in circumstances where, "any delay likely to be caused by not making the decision would be likely to expose the Authority, its members or its constituents to a significant level of risk, loss, damage or disadvantage."
- 1.7 Under the circumstances referred to above, particularly 1.5, it is appropriate for the Leader to exercise the authority to take an urgent decision.
- 1.8 This report also sets out the implications of the proposed urgent decision that needs to be addressed in the resolution.

2. Outcome of engagement

- 2.1 The Cabinet Member Customer & Regulatory Services undertook extensive engagement with representatives of the licensed trade and representatives of disability groups following the July Full Council debate.
- 2.2 A number of key issues arose from this engagement including the impact of the Covid pandemic on the licensed trade, issues associated with access and availability of WAVs and the climate emergency that the authority declared subsequent to the WAV policy implementation.
- 2.3 It was broadly acknowledged that, in order for the authority to meet its climate ambitions, a change of policy direction was necessary because the implications of the WAV policy, as it stands, would have seen the introduction of polluting diesel taxis which - is the standard for WAV taxis at present.
- 2.4 Secondly, feedback from the accessibility groups confirmed that they were less concerned with the implementation date to a 100% WAV fleet but more concerned with access and availability.
- 2.5 Thirdly, the impact of the Covid pandemic and associated restrictions had a severe impact on the livelihood of the licensed trade.
- 2.6 Finally, a number of national developments has arisen since the initial WAV policy was adopted that now has a bearing on the WAV policy. The most important of these are the Government's National Disability Strategy recently published and a number of new grant funding opportunities to support the work towards carbon neutrality.

- 2.7** The culmination of all of these factors lead to a conclusion that a revised WAV policy was justified to include, principally, the authority's ambition toward carbon neutrality.
- 2.8** It is acknowledged that a revised licensing policy and strategy will take time to develop, be consulted on and adopted. It is predicted to take 6 months to April 2022. It is therefore necessary for the authority to review the WAV policy implementation date of 31 December 2021 which will also provide the licensed trade with clarity and certainty on the position moving forward to avoid unnecessary expenditure and investment.
- 2.9** In light of the above, the Cabinet Member Customer & Regulatory Services therefore recommends a decision for delay is taken by the Leader of the Council as set out in 1.6 & 1.7.
- 2.10** A decision to remove the WAV implementation date will also require a number of decisions to provide clarity on the interim position (i.e. the time between the decision to remove the WAV implementation date and adoption of a revised policy) that has arisen. To this end, it is also proposed that the following decisions be incorporated, that during the interim period:
- 2.10.1** That the requirement to license a WAV continue to apply to all new hackney carriage vehicles (i.e. never licensed before); and
- 2.10.2** Subject to consultation, that older and more polluting vehicles (Euro 3 & Euro 4) be phased out in 2022 by implementing a requirement that these vehicles will need to be replaced with a WAV; and
- 2.10.3** Continuation of licensing of existing vehicles manufactured to Euro 5 and Euro 6; and
- 2.10.4** Recognising that some vehicle proprietors have already converted to WAVs, that the authority will honour the maximum vehicle age limits under which they were licensed but subject to a maximum period to 2030 to coincide with the authority's carbon neutral commitment.
- 2.10.5** The authority will, on a case-to-case basis, allow existing vehicle licence holders to, in exceptional circumstances, replace their vehicle on a "like for like" basis during the interim period. The exceptional circumstances will be limited to situations where a replacement is necessary, for example following an accident, write-off or mechanical failure.

3. Reasons for recommendations

- 3.1** To take urgent steps and decisions for the reason(s) set out in paragraph 1.6.

4. Alternative options considered

- 4.1** The Leader can decide not to exercise urgent decision making powers. This might lead to continued uncertainty around the authority's position given particularly that the existing deadline is on 31 December 2021.
- 4.2** The alternative to exercise urgent decision making powers would be to refer the matter to Cabinet.

5. Consultation and feedback

- 5.1** The authority will undertake consultation as necessary on any policy revisions.

6. Performance management –monitoring and review

- 6.1** As part of the normal service and corporate reporting requirements.

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Appendices	
Background information	1. Full Council WAV petition debate on 21 June 2021