

# Licensing consultations

## Consultation on requirement to participate in schemes to promote better availability of licensed wheelchair accessible vehicles (WAVs)

### Introduction

This consultation sets out proposals to improve the availability of licensed wheelchair accessible Hackney Carriage vehicles. The authority is aware that people with a range of disabilities struggle to access wheelchair accessible vehicles when they need them. This makes it challenging for people with disabilities to go about their normal lives and undertake certain activities that require them to travel.

The authority attempted on a number of occasions to engage with the licensed Hackney Carriage trade to develop a voluntary scheme to improve the availability of licensed wheelchair accessible Hackney Carriage vehicles. We advised the trade that if engagement with a voluntary scheme is poor, the authority might consider more formal arrangements to ensure people with disabilities have adequate access to licensed wheelchair accessible Hackney Carriage vehicles.

We would like to thank the licensed vehicle proprietors who did respond in a positive way on a voluntary scheme. However, the response was generally disappointing with, roughly, only a 10% positive response rate.

As a consequence, the authority is now putting forward formal proposals to ensure provision is adequate for people with disabilities.

### Equality duties on licence holders

Licensed drivers have equality duties under the Equality Act 2010. Drivers of designated wheelchair accessible Hackney Carriage vehicles are required:

- to carry the passenger while in the wheelchair
- to not to make any additional charge for doing so
- to carry a wheelchair, if the passenger chooses to sit in a passenger seat
- to carry passengers safely and in reasonable comfort.

Licensed drivers should also provide mobility assistance, if needed:

- to enable a passenger to get into and out of the vehicle
- to enable a passenger to get into and out of the vehicle while in their wheelchair if they want to travel in their wheelchair
- to load and unload a passenger's luggage
- to load a passenger's wheelchair into and out of the vehicle if they don't want to remain in the wheelchair.

## National guidance

The authority complies with **national requirements to publish information on designated wheelchair accessible vehicles**. However, the national guidance does not include a requirement to publish contact details for designated wheelchair accessible vehicles. This therefore makes the published information of limited practical use. The authority can therefore not rely in this as a practical solution.

## Improving the availability of licensed wheelchair accessible Hackney Carriage vehicles

### **Additional licence condition for Hackney Carriage vehicle proprietors**

The authority proposes to include a licence condition on all licensed WAV Hackney Carriage vehicles to the effect that they will be required to proactively participate in schemes and incentives to promote the availability of licensed WAVs.

The proposed condition would be: "Drivers of licensed wheelchair accessible Hackney Carriage vehicles must proactively participate and subscribe to schemes and incentives to promote the availability of licensed wheelchair accessible Hackney Carriage vehicles to users with disabilities."

From our engagement with various groups and the licensed trade, the authority knows that people with disabilities struggle to book wheelchair accessible Hackney Carriage vehicles. The authority wrote to relevant licence holders and the trade more widely to seek voluntary agreement on schemes to improve the availability of licensed wheelchair accessible Hackney Carriage vehicles to users with disabilities.

The response was generally disappointing with, roughly, only a 10% positive response rate. The authority regularly receives complaints about the lack of licensed WAVs and/or the difficulties people with disabilities face when attempting to book a licensed WAV.

Whilst it is not the authority's responsibility to ensure sufficient supply for licensed vehicles, there is a general equality duty that the authority is seeking to address by doing what it reasonably can to facilitate the availability of WAVs to people who need, and reply on them.

### **Consultation question(s) on additional licence condition:**

1. Is the wording of the proposed condition sufficiently clear having regard to the intention?
2. Can you think of an alternative means to achieve the same outcome?

## **Schemes and incentives**

The authority is also consulting on a number of proposed schemes to improve the availability of licensed WAVs.

### **1. Use of smartphone application (app) to improve availability of licensed accessible vehicles**

The authority wants to employ the use of smartphone ride hailing technology to improve the availability of licensed wheelchair accessible Hackney Carriage vehicles to users with disabilities.

Subject to the imposition of a condition as outlined above, the authority will expect drivers of licensed wheelchair accessible Hackney Carriage vehicles to subscribe, and proactively participate in, the use of such a smartphone ride hailing app.

Under this proposal, the authority will procure and set up such an app. The authority will expect all drivers of licensed wheelchair accessible Hackney Carriage vehicles to sign up and make themselves available during the times when they are usually available for hiring.

The use of a smartphone app is considered to be the most effective means of improving the availability of licensed wheelchair accessible Hackney Carriage vehicles. The travelling public are, generally speaking, increasingly familiar with the use of smartphone ride hailing apps. There are already a number in use in the town, suggesting that, broadly speaking, licence holders are also familiar with this technology.

### **Consultation question(s) on use of smartphone app:**

1. Do you agree with the use of a smartphone app to make it easier for people with disabilities to book accessible licensed vehicles? If not, please explain?
2. Are you familiar with smartphone ride hailing apps and how they work?
3. Can you think of an alternative means to make it easier for people with disabilities to book accessible licensed vehicles?

## **2. Contact list**

We are aware that not everybody has access to a smartphone or will be able to use apps. As an alternative means of improving the availability of licensed wheelchair accessible Hackney Carriage vehicles, the authority is also asking licensed WAV proprietors, or drivers if different, to make available a contact number for people to call.

It is not proposed that the authority will publish such a list. Instead, it will make the information available on request.

Under data protection legislation, the authority will requires explicit consent. We urge of licensed proprietors, or drivers, of wheelchair accessible Hackney Carriage vehicles to contact the licensing department to give consent to add their contact details to the list maintained.

## Responding to this consultation

The consultation is open for comments until noon on 30 December 2021.

Your comments can be sent to [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk) or in writing to:

Licensing Section  
Cheltenham Borough Council  
Municipal Offices  
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Cheltenham  
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### [Licensing consultations privacy statement](#)

If you have any questions about this consultation, please contact [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk).

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