



LICENSING COMMITTEE

Monday, 29th February, 2016

7.30 pm

Town Hall, Watford

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CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Ian Smith/Alan Garside in Democracy and Governance on 01923 278376 or by email to legalanddemocratic@watford.gov.uk .

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COMMITTEE MEMBERSHIP

Councillor J Brown (Chair)

Councillor K Crout (Vice-Chair)

Councillors S Bolton, I Brown, J Connal, G Derbyshire, F Ewudo, M Haley, K Hastrick, M Hofman, M Mills, T Rogers, S Silver, M Watkin and S Williams

AGENDA

PART A - OPEN TO THE PUBLIC

1. **DISCLOSURE OF INTERESTS (IF ANY)**
2. **APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP**
3. **MINUTES**

The minutes of the meeting held on 11 January 2016 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

(All minutes are available on the Council's [website](#).)

4. **FINDINGS AND RECOMMENDATIONS OF WORKING PARTY CONVENED TO DETERMINE HACKNEY CARRIAGE/PRIVATE HIRE SERVICES FOR DISABLED AND VULNERABLE PASSENGERS** (Pages 5 - 16)

Report of the Head of Community and Customer Services

This report seeks Members approval to progress the working group's recommendations.

PART A

Report to: Licensing Committee
Date of meeting: 29th February 2016
Report of: Head of Community and Customer Services
Title: Findings and recommendations of Working Party convened to determine Hackney Carriage/Private Hire services for disabled and vulnerable passengers

1.0 **SUMMARY**

1.1 Watford Borough Council is responsible for licensing hackney carriages (taxis) and private hire vehicles and has a general duty to promote equalities. Similarly, providers of taxi and private hire vehicle services are under a specific duty to assist passengers with disabilities.

1.2 At licensing committee on 14 September 2015 it was determined that a working party should be formed to provide recommendations for improvements to services. These recommendations to be brought before the committee in February 2016.

1.3 Recommendations of the working party fall in to six distinct categories:

- Income and fares
- Vehicles
- Ranks
- Parking
- Enforcement
- Training

The full report of Kris Beuret of Social Research Associates Limited (SRA Ltd) is attached at appendix 1

1.4 This report seeks Members approval to progress the recommendations. Some of these are relatively simple and can be actioned over the coming weeks without further research. Others are more technical and will require investigation and possible policy changes. Progress is proposed to be reported back to Committee by September 2016.

2.0 **RECOMMENDATIONS**

2.1 That the licensing committee consider all recommendations from the working party and in the report by SRA Ltd at Appendix 1 of this report.

2.2 That Members approve Officers to implement the recommendations. An action plan will be developed within two weeks of this approval, and this will be

monitored monthly by the Chair of the Licensing Committee. A formal update on progress will be reported back to committee by September 2016.

Contact Officer:

For further information on this report please contact: Jamie Mackenzie, (Business Compliance Officer), tel: 01923 278476 email: jamie.mackenzie@watford.gov.uk

Report approved by: Alan Gough, Head of Community and Customer Services

3.0 Detailed proposal

- 3.1 This report is a follow up to the report to committee on 14th September 2015 entitled “Hackney carriage/private hire services for disabled and vulnerable”. It reports back on the findings of the working group set up at Members request to consider the best way to improve the standards of service provided to customers with disabilities wanting to use licensed vehicles.
- 3.2 The full report from the working group is at Appendix 1 and provides detailed context and explanation behind each of the working party’s recommendations. This Officer report doesn’t duplicate that information. The recommendations are wide ranging but reassuringly some are already in progress. Officers consider that some of the recommendations, if approved by Members, are relatively simple to introduce or action without the need for further consideration. Other recommendations are more complex to implement and, if approved, officers will need to undertake research to find technical and legal solutions. Some of these will require policy changes that will need separate approval by committee.
- 3.3 The proposal is that an action plan will be developed following this meeting and monthly reporting undertaken. A formal update report will be brought back to Licensing Committee no later than September 2016. It is envisaged the proposals for implementation of the more complex recommendations will be developed by this stage and the simpler recommendations will be fully implemented and ongoing.
- 3.4 For ease the recommendations from the working party are listed below. These have been split into two categories by officers: Immediate actions: those which are already being done, are simple to introduce and can be implemented with minimal delay; and, Secondary actions: those which require further research and consultation to determine how to practically deliver them.

Note that the numbering below adjacent to the individual recommendations relates to the numbering from the Working Party report at Appendix 1.

3.5 **Immediate actions**

3.6 Income and fares

1.1 Include a business unit which would emphasise that better customer service leads to increased business

1.4 At the annual fare review in June 2016, explore the fare structure – this is heavily front loaded compared to the average in other local authority areas - resulting in disadvantage to disabled people who are more likely to make short journeys.

Ranks

3.1 The council to request that Midland Trains carry out an Equalities Impact Assessment of the station including the forecourt and station interchange and to explore the legal options if they fail to do so adequately.

3.2 Work with the NHS and other stakeholders including licensed vehicle representatives to ensure that the plans for redevelopment at the hospital reflect the needs of disabled users.

3.3 Work with Watford General Hospital to check that companies providing licensed vehicles via the courtesy line have fleets with sufficient (estimated at 50%) accessible vehicles and to ensure that reception staff understand how to advise on alternatives when disabled people are waiting for longer than others.

3.4 Consider the positioning and location of other ranks in the town in the light of existing, recent and future developments. This should include a 'walk around' audit with planners, disabled people, licensed vehicle drivers and the Town Centre Manager (BID Chief Executive). In addition, new developments should add hackney rank and PHV needs to the list of requirements.

Parking

4.1 WBC to include hackney and PHV customers' needs as part of the current parking review. This should include parking services and planning to engage on joint working with licensing to determine new working protocols taking consideration of agreed locations known to be important for elderly and disabled passengers.

4.2 WBC to continue dialogue between parking enforcement and hackney and PHV parking requirements for picking up and dropping off. In particular there should be agreement to build in the new 10 minute 'grace period' especially at agreed locations known to be important for elderly and disabled passengers.

4.3 Planning and highways officers to attend quarterly driver drop in sessions and to actively seek new parking and rank opportunities in new developments

Enforcement

- 5.4 Engage with community leaders to help promote equalities especially in relation to discriminatory interpretation of religion.
- 5.5 Carry out another mystery shopping survey following actions taken as a result of this consultation.
- 5.6 Conduct a programme of regular plying for hire/disability awareness testing using trained investigators to allow for formal enforcement where appropriate.
- 5.7 Offer free training and advice to customer groups to help them to enforce their rights where the council cannot take legal action on their behalf.

Training

- 6.1 Review the current New Driver Training Day and Professional Driver Update course and amend as necessary. Explore the opportunity of certificating both courses to support a new CPC style qualification for drivers nationally. This to include staged progress with some face-to-face learning and also available electronically to enable drivers to study at ranks or in their spare time. A similar scheme has been piloted and Government are being asked to adopt such a qualification.
- 6.3 Refresh disability and equality awareness training for operators and make attendance a compulsory requirement prior to licence or re-licence.
- 6.4 Prepare guidance for customers including disabled people about how to make best use of taxis including what to expect and what cannot be provided.

3.7 Secondary actions for technical development.

3.8 Income and fares

- 1.2 WBC to work with the trade to publicise and support contract applications
- 1.3 Work with Hertfordshire CC to simplify and make the contract process more applicant friendly

Vehicles

- 2.1 Retain a mixed fleet but work towards a far larger proportion of purpose built hackney and private hire vehicles with an aspirational target and a clear timescale of at least 50% in the hackney fleet within three years. As part of this policy WBC should carry out an audit of current wheelchair accessible vehicle provision and update progress.
- 2.2 Publicise the advantages of such vehicles including swivel seats, grab handles, kneeling step as well as ramp features.

- 2.3 Up the specification for saloon hackneys and PHVs to include lower sill heights, swivel seats and minimum space in rear seats and boots.
- 2.4 Another cheap improvement which would support disabled users is Braille overlays inside the car to go over the driver's plate.
- 2.5 For both hackneys and PHVs stipulate improved security systems both at ranks and to include CCTV in vehicles. Work with the trade to identify ways in which drivers may be able to bulk buy equipment and installation to significantly reduce costs.
- 2.6 Revisit the vehicle licence conditions to consider the introduction of more prominent licensed vehicle identification such as larger door signs or a specified colour (white or silver) and removable signs to enable resale on an economic basis. A larger number plate in a more prominent position would also aide recognition. The options should include technological solutions such as a Quick Response (QR) code system which would enable instant verification via mobile phones and App based checking.
- 2.7 Investigate the cost and requirement for the use of interface technology which plugs into the meter for introduction by the tariff review of June 2017.

Enforcement

- 5.1 Set up a whistleblowing scheme for both drivers and disabled people – this would be distinct from the formal complaints system which people are reluctant to use.
- 5.2 Revisit the formal complaints system to understand how to make it more user-friendly and provide feedback even when complaints are not formally progressed.
- 5.3 Use the information from the whistleblowing scheme to identify problems and patterns and use the analysis to introduce incognito testing exercises and action against those found to be discrimination.

Training

- 6.2 Explore introduction of annual 'Gold Driver' awards nominated by passengers.

4.0 **IMPLICATIONS**

4.1 **Financial**

- 4.1.1 There are no financial implications arising from this report or any of the immediate actions. Any budget requirements for new schemes or initiatives will be met within existing budgets or considered as a separate growth proposal.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Legal and Democracy Section Head comments that there are no legal implications immediately arising from this report. In the event that there are policy changes as a result of the recommendations, legal implications will be considered as appropriate at that time.

4.3 **Equalities**

4.3.1 The purpose of this report is to improve the services for customers with disabilities in the context of our duties under the Equalities Act 2010. The report and appendix outline the consultation and analysis undertaken.

4.4 **Potential Risks**

4.4.1

Potential Risk	Likelihood	Impact	Overall score
No improvement in standards of service.	2	4	8
Lack of engagement and co-operation from other services/organisations	4	3	12
Reputational impact from limited improvements in levels of service	2	3	6
Failure to deliver against recommendations in agreed timescales	2	5	10

Appendices

Improving Hackney Carriage and Private Hire services in Watford for disabled people.

Background Papers

None used

Improving Hackney Carriage and Private Hire Services in Watford for disabled people (and in so doing everyone else)

The Context

Throughout England as a whole licensed vehicle¹ numbers have risen by 9.3% with 12,400 additional drivers registered since 2013 and 58% of all hackneys carriages are wheelchair accessible – 100% in central London due to vehicle licensing conditions that have been in force for many years (the traditional 'black cab'). This growth has been largely in private hire vehicles (PHV).

In Watford there has been a cap on the number of hackney carriage vehicles since 2012 leading to a drop in numbers to the current 301 hackneys and 126 PHV. Only 16-20% of the hackneys are wheelchair accessible and none of the PHV although this latter fact was challenged at the workshop. This is probably due to the confusion between hackneys and PHV exacerbated by the fact that most drivers in Watford are licensed for both types of vehicle.

34% of authorities require disability awareness training as a licensing requirement for hackneys and 29% for PHV drivers. In Watford disability awareness training covers both hackney and PHV drivers. All existing drivers have undertaken various training courses ranging from a full day course, NVQ study and more recently driver refresher training. Not all drivers have completed all three study courses but most have completed at least two. Refresher training is currently compulsory at every second badge renewal but the disability awareness element is only 25 minutes. Drivers of wheel chair vehicles are no longer required to take the DSA test and in any case although this is a good practical test of the mechanics of securing a wheelchair, it does not address most of the issues found in the mystery shopping study, particularly the customer service failings. All new drivers have a three hour session on disability awareness.

Stage 1: the Mystery Shopping Exercise

CTS Traffic and Transportation in partnership with Social Research Associates were appointed by Watford Borough Council (WBC) to undertake a licensed vehicle mystery shopper test purchase study. The Council were seeking research to aid in obtaining an overview of the general situation with respect to compliance with disability awareness training and legal requirements upon drivers with respect to their fair treatment of those travelling with disabilities.

The mystery shopping research was carried out during March and April 2015, with two tranches of 26 trips in total comprising a mix of disabilities including wheelchair users, ambulant disabilities, deafness, blindness, learning difficulties and mental illness. The results showed a number of problems with only two out of 26 trips being completely satisfactory. On the other hand most drivers knew the routes and most charges were correct and there were also some very good examples of helpfulness in relation to customer care. The biggest problems related to travel by wheelchair users. There was an alarming record of poor or non-existent securing practice as well as reluctance by many drivers to

¹ For the sake of clarity, this report will refer to 'licensed vehicles' when meaning hackney carriage and private hire collectively, and to the specific type when referencing either specific type of vehicle. The term 'taxi' will be avoided as far as possible, although it has to be used in its colloquial form when communicating with the public, few of whom are aware of the detailed differences.

carry wheelchair passengers. The same applied to people travelling with guide dogs. Communication skills are also lacking largely due to lack of appropriate knowledge, embarrassment or awkwardness rather than deliberate rudeness.

Stage 2 – Consultation

Following the distribution of the mystery shopping report, further consultation and research was carried out involving drivers and operators from the hackney and private hire trade, disabled licensed vehicle users and representatives of disability organisations, WBC Councillors and Officers. The workshops were facilitated by Kris Beuret OBE, Director of Social Research Associates and an independent expert on the use of licensed vehicles.

Timescale	Activity
October 2015	Workshop 1 – discussion of mystery shopping report and general background to problems for disabled licensed vehicle users
November 2015	Summary of Workshop 1, discussion followed by further research and consultation focusing on solutions
November 2015	Workshop 2 – discussion of suggestions for solutions
December 2015	Further research and consultation, draft report with recommendations circulated
February 2016	Workshop 3 – discussion of final draft report and recommendations
29 February 2016	Presentation to Councillors

Stage 3 – Report following consultation

1. Income and Fares

- Many drivers see disabled passengers as uneconomic due to factors such as additional loading time, less likely to tip and more likely to require short journeys. (In connection with the latter, in 2014 the fare structure was deliberately set to reduce instances of drivers refusing short journeys.)
- There is also the view that purpose build vehicles are more expensive to buy and maintain as well as fetching less on the second hand market.
- Local authority contract work which was a potential source of additional income was seen as hard to find out about and also difficult to win.

Suggested Solutions

- *There needed to be better awareness of the economic potential of good service to disabled passengers not just for individual trips but for groups, and local authority contract work.*

Recommendations

- 1.1 Include a business unit which would emphasise that better customer service leads to increased business
- 1.2 WBC to work with the trade to publicise and support contract applications
- 1.3 Work with Hertfordshire CC to simplify and make the contract process more applicant friendly
- 1.4 At the annual fare review in June, explore the fare structure – this is heavily front loaded compared to the average in other local authority areas - resulting in disadvantage to disabled people who are more likely to make short journeys.

2. Vehicles

- There were disagreements about vehicle livery and design.
- Even amongst disabled people there were different views about the characteristics of an accessible vehicle with some ambulant disabled passengers and some wheelchair users preferring to transfer to a saloon car.
- Another disagreement related to the identification of hackneys and PHVs especially for visually impaired people and those with learning difficulties who need very clear and unique colour and vehicle identification including on the grounds of personal safety.
- Another problem was the lack of talking meters and loops, especially in hackneys.
- In contrast drivers and to some extent Councillors felt that unique livery and vehicle stipulations would result in addition expense for drivers including lowering the resale price. The point was made that the main reason for the removal of livery was that by doing so drivers would be encouraged to regularly change their vehicles to ensure the fleet was maintained to a high standard. In areas where there is a livery it is often the case that cars are held on to for as long as possible.
- As regards identification of vehicles there was comment from the trade that there was a massive problem of illegal activity at night and at big events not just PHV picking up without pre-booking but also by completely unlicensed private drivers. Clearly disabled people and women were especially vulnerable to the associated risks. On the other hand previous WBC investigations had resulted in few infringements with most waiting vehicles proving a pre-booking to undercover police officers. This issue could be due to hackney drivers perceiving PHVs to be working without pre-booking when in fact they had been booked by customers prior to arrival albeit it very soon before via smart phones with customer locational identification.

Suggested Solutions

- *Do nothing – the current vehicle specifications were sufficient to identify HCs and PHVs.*
- *Introduce bespoke livery as in many other towns (e.g. Brighton)*
- *Make all hackneys wheelchair accessible*
- *Introduce requirements for enhanced features such as loops for those with hearing impairments and talking meters.*

Recommendations

- 2.1 Retain a mixed fleet but work towards a far larger proportion of purpose built hackney and private hire vehicles with an aspirational target and a clear timescale of at least 50% in the hackney fleet within three years. As part of this policy WBC should carry out an audit of current wheelchair accessible vehicle provision and update progress.
- 2.2 Publicise the advantages of such vehicles including swivel seats, grab handles, kneeling step as well as ramp features.
- 2.3 Up the specification for saloon hackneys and PHVs to include lower sill heights, swivel seats and minimum space in rear seats and boots.
- 2.4 Another cheap improvement which would support disabled users is braille overlays inside the car to go over the driver's plate.
- 2.5 For both hackneys and PHVs stipulate improved security systems both at ranks and to include CCTV in vehicles. Work with the trade to identify ways in which drivers may be able to bulk buy equipment and installation to significantly reduce costs.
- 2.6 Revisit the vehicle licence conditions to consider the introduction of more prominent licensed vehicle identification such as larger door signs or a specified colour (white or silver) and removable signs to enable resale on an economic basis. A larger number plate in a more prominent position would also aid recognition. The options should

include technological solutions such as a Quick Response (QR) code system which would enable instant verification via mobile phones and App based checking.

- 2.7 Investigate the cost and requirement for the use of interface technology which plugs into the meter for introduction by the tariff review of June 2017.

3. Ranks

- There are a number of problems with the hackney ranks in Watford although not all of these are on the public highway and under the control of WBC or HCC. In particular at Watford Junction Station the layout results in difficulties for disabled people in gaining access to accessible vehicles at the main rank, often resulting in the need to cross the forecourt to a different location.
- Although not strictly a rank issue, dropping off locations are unsatisfactory especially for PHVs and for all licensed vehicles due to congestion in accessing the station area. In addition disabled people transferring from licensed vehicles to train or buses experience access difficulties and indeed the whole station layout needs to be reconsidered from the perspective of disabled users.
- At Watford General Hospital congestion makes picking up and dropping off licenced vehicle passengers at the reception difficult. Sometimes disabled passengers have to walk a long way from the reception area and often where parking is available, compromising the safe operation of ramps, swing seats, lower steps and general dangerous entry and exit of licensed vehicles.
- Another problem at the hospital is that the companies providing the courtesy phone at reception have very few accessible vehicles resulting in long waits for people who need them.
- Finally, although existing ranks may be in suitable general locations there are detailed problems of access from the wrong side for disabled passengers especially in terms of kerb heights and which side of the hackney or PHV dropping off point can be entered or exited.

Suggested Solutions

- *A redesign of the station in order to improve the problems of access and dropping off for licensed vehicle users but also users of other modes such as bus and walk.*
- *Unlike the station, plans are in hand to redevelop the hospital and the needs of licensed vehicle services are being taken into consideration in designs.*

Recommendations

- 3.1 WBC to request that Midland Trains carry out an Equalities Impact Assessment of the station including the forecourt and station interchange and to explore the legal options if they fail to do so adequately.
- 3.2 Work with the NHS and other stakeholders including licenced vehicle representatives to ensure that the plans for redevelopment at the hospital reflect the needs of disabled users.
- 3.3 Work with Watford General Hospital to check that companies providing licensed vehicles via the courtesy line have fleets with sufficient (estimated at 50%) accessible vehicles and to ensure that reception staff understand how to advise on alternatives when disabled people are waiting for longer than others.
- 3.4 Consider the positioning and location of other ranks in the town in the light of existing, recent and future developments. This should include a 'walk around' audit with planners, disabled people, licensed vehicle drivers and the Town Centre Manager. In addition, new developments should add hackney rank and PHV needs to the list of requirements.

4. Parking

- It is essential that local licensed vehicles can access popular destinations for both picking up and dropping off passengers. Whereas some passengers can walk short distances, disabled and frail passengers may experience considerable difficulties. This has been acknowledged by wider parking policy via the provision of disabled parking designations and the blue badge rules in general. However, local licensed vehicle drivers including at the workshops have given many examples of receiving tickets when picking up or dropping off disabled or frail elderly passengers.
- There is currently a full parking review taking place which includes rank provision.

Suggested Solutions

- *In recent years the Government have introduced a range of measures to address parking management and enforcement including limiting the use of CCTV 'spy cars' to enforce on-street parking and implementing a mandatory 10 minute 'grace period' at the end of paid for and free parking.*
- *The Department for Transport have also launched a call for councils to trial a pilot scheme allowing a 25% discount on a fine for drivers losing a parking offence on appeal.*

Recommendation

- 4.1 WBC to include hackney and PHV customers' needs as part of the current parking review. This should include parking services and planning to engage on joint working with licensing to determine new working protocols taking consideration of agreed locations known to be important for elderly and disabled passengers.
- 4.2 WBC to continue dialogue between parking enforcement and hackney and PHV parking requirements for picking up and dropping off. In particular there should be agreement to build in the new 10 minute 'grace period' especially at agreed locations known to be important for elderly and disabled passengers.
- 4.3 Planning and highways officers to attend quarterly driver drop in sessions and to actively seek new parking and rank opportunities in new developments

5. Enforcement and discrimination

- It was accepted (including by drivers) that there was discrimination by some drivers. Explanations included the need for longer loading times, avoidance of dogs, social embarrassment, perceiving disabled passengers as less likely to tip, religious beliefs (examples from both Christian and Muslim) and on the part of just a few drivers outright dislike of disabled people.
- Another way in which discrimination occurred was because when disabled people phoned and requested a wheel chair accessible vehicle, they were identified as disabled and thus open to discrimination. There were examples of where this was happening although it was difficult to prove given that only a quarter of HCs and no PHVs were wheel chair accessible.

Suggested Solutions

- *The suggestion that there should be an extra charge for loading or starting the meter early was ruled illegal.*
- *Another idea was to set up a whistleblowing system for reporting discrimination which could then feed into a formal test exercise and action against drivers found to be not fit for purpose.*

Recommendations

- 5.1 Set up a whistleblowing scheme for both drivers and disabled people – this would be distinct from the formal complaints system which people are reluctant to use.
- 5.2 Revisit the formal complaints system to understand how to make it more user-friendly and provide feedback even when complaints are not formally progressed.
- 5.3 Use the information from the whistleblowing scheme to identify problems and patterns and use the analysis to introduce incognito testing exercises and action against those found to be discrimination.
- 5.4 Engage with community leaders to help promote equalities especially in relation to discriminatory interpretation of religion.
- 5.5 Carry out another mystery shopping survey following actions taken as a result of this consultation.
- 5.6 Conduct a program of regular plying for hire/disability awareness testing using trained investigators to allow for formal enforcement where appropriate.
- 5.7 Offer free training and advice to customer groups to help them to enforce their rights where the council cannot take legal action on their behalf.

6. Training

- The current training regime in Watford does not address many of the issues discussed at the workshops and needs to be more strategic and focused on both passenger and driver needs.

Suggested Solutions

- *Work with the licensed vehicle trade and disabled experts to introduce training for passengers and publicise in the form of a hard copy booklet and web based booklet plus dissemination via disabled organisations.*
- *Introduce a more relevant training system including refresher sessions.*

Recommendations

- 6.1 Review the current New Driver Training Day and Professional Driver Update course and amend as necessary. Explore the opportunity of certificating both courses to support a new CPC style qualification for drivers nationally. This to include staged progress with some face-to-face learning and also available electronically to enable drivers to study at ranks or in their spare time. A similar scheme has been piloted and Government are being asked to adopt such a qualification.
- 6.2 Explore introduction of annual 'Gold Driver' awards nominated by passengers.
- 6.3 Refresh disability and equality awareness training for operators and make attendance a compulsory requirement prior to licence or re-licence.
- 6.4 Prepare guidance for customers including disabled people about how to make best use of taxis including what to expect and what cannot be provided.

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