

PART A

Report to: Licensing Committee
Date of meeting: 20 November 2017
Report of: Head of Community and Environmental Services
Title: Disability Access Project Final Report and Further Recommendations

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. In turn, providers of taxi and private hire vehicle services licensed by the council are under a specific duty to assist passengers with particular disabilities.
- 1.2 Following a mystery shopping exercise where it was found that services were below the standard expected and required, the licensing committee commissioned the Disability Access Project.
- 1.3 The Disability Access Project has been running since September 2015 and this report forms the final update to committee on the outcomes of the project.

2.0 RISKS

2.1	Nature of Risk	Consequence	Suggested Control Measures	Response <i>(Treat, tolerate, terminate, transfer)</i>	Risk Rating (the combination of severity and likelihood)
	The council is criticised for closing the project	The council's reputation is impacted negatively	Elements of the project are carried over to new projects	Tolerate	6

without completing all objectives				
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3.0 **RECOMMENDATIONS**

- 3.1 That the licensing Committee notes the outcomes of each of the 29 project aims.
- 3.2 That the Licensing Committee formally closes the Disability Access Project.
- 3.3 That the Licensing Committee approves the further recommendations for improvements given at the end of this report in section 9.0 and considers these projects be incorporated into the Accessible Transport Project

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

4.0 **MYSTERY SHOPPING, WORKING PARTY AND THE BEGINNINGS OF THE DISABILITY ACCESS PROJECT**

- 4.1 In June 2015 the licensing section commissioned a mystery shopping report from CTS Transport and Social Research Associates Limited. This report is attached at Appendix 1.
- 4.2 The report highlighted the problems faced by disabled people when travelling by taxi or private hire vehicle in Watford. Of twenty-six test journeys undertaken, twenty-four were unsatisfactory. An unsatisfactory journey may be one where a criminal offence was committed (for example, breach of taxi licensing law) or it could be where a passenger felt that the driver was treating them differently due to their disability which is a civil offence under the Equalities Act 2010.

- 4.3 These poor results led the Licensing Committee to establish a working party, commencing in September 2015, and comprising trade, customer and councillor representation to find ways to improve this situation. The working party was led by Kris Beuret, Director of Social Research Associates Limited.
- 4.4 The working party produced a report that had twenty-nine recommendations. The working party report is attached at Appendix 2.
- 4.5 The twenty-nine recommendations were split in to two groups – those which could be accomplished relatively quickly, and those which would require further time to investigate and develop.
- 4.6 The working party report was approved by Licensing Committee in February 2016.

5.0 **IMPLEMENTING THE RECOMMENDATIONS OF THE DISABILITY ACCESS PROJECT**

- 5.1 The final outcomes of the implementation of the twenty-nine recommendations can be found at Appendix 3.
- 5.2 Members will see that there have been considerable successes in some actions. The licensing team have managed to work with various partners to make improvement beyond the regular scope of licensing functions.
- 5.3 Improvements include working with Hertfordshire County Council to publicise the contract application procedure allowing local drivers to tender for contract work at schools. Officers have worked with London Midland to secure sight of the equality impact assessment for Watford Junction and to make sure that enough is being done to improve access. A booklet detailing passengers' rights when travelling was jointly authored with Disability Watford and the staff of Herts People First and is now available to download from the Watford Borough Council website (appendix 4).
- 5.4 All drivers, both new and existing, are trained in disability awareness and understanding equality. Watford Borough Council has offered training to drivers since 2007. It is clear from the results of the mystery shopping exercise that training in itself is not always effective. The current training programme aims to ensure that the training is relevant to drivers, answers the real world problems they may face, and gives

full information on the consequences of failing to comply with the requirements of the law. The programme is being continuously improved and disabled people have attended to review the training and make suggestions for improvement.

- 5.5 Members will also see that there are still issues that remain very difficult to resolve. Watford General Hospital has been firm in its resolve not to allow the use of the vacant bus stop outside the main entrance as a taxi-drop off/pick up. This is disappointing but comes as a result of concerns that taxis will abuse this opportunity and park on the lay-by all day. This matter could easily be dealt with by way of penalty issued by the existing parking patrol at the site but this seems to be an undesirable solution.
- 5.6 Each project recommendation was given a deadline. Of twenty-nine recommendations, twenty-eight are on target. Community engagement is the only recommendation not implemented within the original timescales.
- 5.7 Some recommendations, such as vehicle licence condition review, have timescales set until 2019. It is proposed that these recommendations are continued as stand-alone projects outside of the general Disability Access Project due to their size and complexity or the on-going nature of the recommendation, such as continued enforcement.

6.0 **VEHICLE LICENCE CONDITIONS, LIVERIES AND DOOR SIGNS**

- 6.1 Members will be aware that in March 2017 a report was brought before the Licensing Committee requesting the removal of the conditions concerning door signs on hackney carriage vehicles.
- 6.2 At the conclusion of the discussion on this matter, Members requested a more detailed report in to the pros and cons of the use of door signs on licensed vehicles.
- 6.3 The consideration of the use of door signs is of significance to the wider concerns over accessibility, image, marketing and ultimately the future of the trade in Watford. There is no doubt that the trade, both hackney carriage and private hire are under significant pressure from new technologies and working practices and it is essential that all factors are taken into consideration before recommendations are made on the future of the vehicle types and styles available to the public.

- 6.4 Considerations for the licensing of vehicles for hackney carriages and private hire include, but are not limited to:

Accessibility

Visual design for accessibility and public safety purposes

Electric and Hybrid vehicles

Autonomous vehicles

Talking taxi meters

CCTV

Technology used to book a vehicle

Waiting, ranking and parking

7.0 ENFORCEMENT

- 7.1 In 2016 the House of Lords presented their report in to the effectiveness of the Equality Act 2010. At section 275, the Disabled Persons Transport Advisory Committee, comment:

“... The major gap in transport is inadequate monitoring and enforcement. Although much of the basic accessibility provision is now in place through the construction requirements for rail and bus there is little effort going into making sure that accessibility features are consistently in place and working ...”

- 7.2 Whilst these comments relate to rail and bus, it is clear from reports by various organisations including Guide Dogs and Disability Watford that the same applies to the taxi and private hire trade. The original mystery shopping exercise and subsequent test purchase operations show that, despite training being provided in Watford since 2007, standards will only improve if continual testing is in place.

- 7.3 Testing is difficult. There are various legal issues to cover over the use of members of the public or volunteers to conduct test purchasing. Traditionally, plying for hire and other test purchase operations would be conducted by council officers or police officers. This is not always possible where disabled people are required to act as passengers. The cost of testing is another consideration. It should not be expected or assumed that disabled people will volunteer to assist in what is, or should be, a professional endeavour.

8.0 **ASSOCIATED WORK**

- 8.1 Beyond the recommendations of the Disability Access Project, work over the past two years has highlighted the need for further work with service providers. The licensing team have consulted on policy changes for private hire operators focussed primarily on improving access and safeguarding.
The outcomes of this consultation and recommendations are contained in a separate report for this committee to consider.

9.0 **FURTHER RECOMMENDATIONS AND ACCESIBLE TRANSPORT PROJECT**

- 9.1 It is recommended that a separate vehicle licence condition project is commenced. It is recommended that this general project on vehicle licence conditions considers the issue of door signs as part of the wider considerations.
- 9.2 It is recommended that the licensing team explore the possibility, financially and legally, for the continued testing of drivers to be undertaken by a small group of passengers trained to a professional standard. This group to gather the necessary evidence to allow the authority to take meaningful enforcement action against drivers and operators who fail to ensure they offer services equally to all.
- 9.3 It is recommended that the guidelines on the issuing of licences be reviewed to determine if there is scope to include consideration of non-criminal discrimination in determining a driver's and/or operator's fitness and propriety.
- 9.4 It is recommended that the above three suggestions form the main aims of a new Accessible Transport Project.

10.0 **IMPLICATIONS**

- 10.1 Financial
- 10.2 The Head of Finance comments that any additional costs would have to be met from existing budgets or if not affordable, then a growth bid must be submitted to Council with a supporting business case.

10.3 Legal Issues (Monitoring Officer)

10.4 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report.
The Council is under a duty to consider equalities and an equality impact analysis will need to be undertaken with regard to any changes to the vehicle licensing conditions.

10.5 Equality/Diversity

10.6 Under s149 (1) of the Equality Act the council must have due regard, in the exercise of its functions, to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them
- foster good relations between persons who share relevant protected characteristics and persons who do not share them.

The closing of this project does not signal the end of the council's ongoing commitment to improving access to transport. This report is aimed at focussing the council's efforts and resources on those areas considered critical if access is to improve. Having had regard to the council's obligations under s149 it is clear that the report impacts on persons with a disability and therefore is clearly within the scope of the Equality Act and the council's obligations. It is considered that the report proposals are positive and aimed at further improving equality. Any new policy devised under the Accessible Transport Project will be assessed to accurately quantify impact as indicated by the comments of the Head of Democracy and Governance.

Accordingly, an impact equality assessment has not been undertaken on this occasion.

Appendices

Appendix 1 – Mystery Shopping Report

Appendix 2 – Watford Licenced Vehicles and Disability Final Report

Appendix 3 – Recommendations of Licensing Committee for improvement of services for taxi and private hire passengers

Appendix 4 – Leaflet detailing passenger rights

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report

Extract: The Equality Act 2010: The impact on disabled people, House of Lords Select Committee -

<https://publications.parliament.uk/pa/ld201516/ldselect/ldeqact/117/11710.htm>

Guide Dogs, Access all Areas report 2015

https://www.guidedogs.org.uk/media/7868390/access-all-areas-main-report_final.pdf

Disability Watford, Accessibility Survey Report 2016