

# Report to Regulatory Panel

Agenda  
Item:

**A.3**

Meeting Date: 21st January 2015  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and Budget Framework  
Public / Private Public

Title: MR JOHN SCOTT KENNEDY - HACKNEY CARRIAGE DRIVER COMPLAINT  
Report of: Director of Governance  
Report Number: GD 08/15

## Purpose / Summary:

John Scott Kennedy is a licensed hackney carriage driver with this council. A complaint has been received that he did not secure a wheelchair passenger during a journey on Wednesday 17<sup>th</sup> December 2014.

## Recommendations:

To reach a decision from the options available, after hearing the evidence and any response from Mr Morton in accordance with section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976.

## Tracking

Executive:	
Overview and Scrutiny:	
Council:	

## **To the Chairman & Members of the Regulatory Panel on 21<sup>st</sup> January 2015**

**NAME** Mr John Scott Kennedy

**ADDRESS** Fell View, Wigton

### **1. HISTORY**

- 1.1** Mr Kennedy was granted a Hackney Carriage Drivers licence in July 2009. He passed his Driving Standards Agency driving test including the wheelchair element in June 2009. **Appendix A**
- 1.2** He first came to the attention of the Licensing Section in July 2010 when a complaint was received from a member of the public alleging his meter was switched on in advance of the journey commencing. No further action was taken on this occasion. **Appendix B**
- 1.3** A further complaint was received in July 2012 when an altercation occurred between Mr Kennedy and a bus driver. Witnesses to the incident did not make statements to the Police and again no further action was taken. **Appendix C**
- 1.4** In February 2013, Mr Kennedy attended a Disability Awareness Session as part of his driver duties to gain further awareness of his obligations as a driver under the Disability & Equalities Act 2010. At the end of the session he sat and passed a short test. **Appendix D**
- 1.5** In February 2014 Licensing received a complaint about Mr Kennedy's driving and overtaking aggressively as well as making an inappropriate sign to the complainant. I interviewed Mr Kennedy, who was immediately aggressive towards me and denied the incident. He was verbally warned about his behaviour and apologised. No further action was taken. **Appendix E**

### **2. BACKGROUND TO COMPLAINT**

- 2.1** On 18<sup>th</sup> December 2014 a complaint was received from a disabled lady, Ms Stanton, who suffers from a rare tissue disorder (Ehlers-Dalos Syndrome). She had called a taxi through Radio Taxis on Wednesday 17<sup>th</sup> December 2014 to take her home from Asda, Kingstown. She was accompanied with 2 carers and had been shopping. When the driver, Scott Kennedy arrived, he got the ramps out, but did not ask if she needed any assistance to get up the ramps. Her wheelchair is electric, so she was

able to proceed herself. When she reached the top of the ramps she got stuck and the driver then gave her a push. She banged her head on entering. He asked if she was ok. She then began to manoeuvre her wheelchair around to face the rear of the vehicle anticipating being strapped in and her wheelchair secured, but the driver just told her to stay where she was, which was sideways. He then took the ramps in, loaded the shopping and set off. Both carers witnessed this. On approaching Ms Stanton's home, the wheelchair was moving about when the vehicle was driving over the cobbled road.

When Ms Stanton got home she had to apply a cold compress to her head and was sick through the night. The incident was logged with the Grey Healthcare Group.

- 2.2** I interviewed Mr Kennedy on 22<sup>nd</sup> December 2014 and asked him his recollection of the event. He was immediately confrontational and aggressive with me. He recalled being late for the job. He said Ms Stanton had not put her headrest down which was why her head hit the vehicle when he tried to push her up the ramps. He said she was in charge of manoeuvring her wheelchair around. He said she was unable to do this. He then said he thought that the chair would be 'heavy enough' and 'would not move' so he didn't attempt to secure the wheelchair or Ms Stanton and left her positioned sideways. I asked if he thought the chair was too big to be secured correctly and suggested he brought the vehicle down and we could test it, but he admitted that he would have been able to accommodate the wheelchair correctly, he just didn't. He admitted he had made a mistake but there was nothing he could do about it now. **Appendix F**

I mentioned the very reason The Regulatory Panel made the decision in August 2012 for all drivers (over 320) to attend our Disability Awareness Session was to avoid such mistakes being made, to ensure the safety of passengers as well as to protect driver's in the event of an accident occurring. **Appendix G**

I reminded him of the Birmingham case, where a disabled passenger died as a result of being transported sideways and not correctly secured. This was an important case which brought about many Authorities in the country introducing Disability Awareness Sessions to educate drivers of their duties under the Disability & Equalities Act 2010. I reminded him that we had worked really hard over the past 2 years to bring our session together and deliver it to all our drivers. Our session shows a DVD explaining the correct procedures to follow and enforces to all drivers never to carry wheelchairs sideways unless there are exceptional circumstances, as well as a power-point presentation to recap on procedures **Appendix H**

sideways unless there are exceptional circumstances, as well as a power-point presentation to recap on procedures **Appendix H**

I said I would be in touch with him after discussing it with my manager. Mr Kennedy's parting comments to me were 'well you might as well have my badge now then'

### **3 LEGISLATION**

- 3.1** Section 61(1) of the Local Government Miscellaneous Provisions Act 1976 states that a District Council may suspend or revoke a Hackney Carriage Driver Licence on a number of grounds. **Appendix I**

### **4 OPTIONS**

It is recommended that after hearing the evidence and any representations today, that members reach a decision in line with the suggested options:

- Take no further action
- Issue a warning letter
- Suspend Mr Kennedy's Hackney Carriage Drivers Licence for a period of time.
- Revoke his Hackney Carriage Drivers Licence.

**Contact Officer:**                      **Mrs S Stashkiw**    **Ext: 7029**

**Appendices**  
**attached to report:**

- A – DSA certificates**
- B – Complaint 2010**
- C – Complaint 2012**
- D – Disability Awareness session test**
- E – Complaint 2014**
- F – Current complaint**
- G – Disability Awareness introduction**
- H – Birmingham case information**
- I – Legislation**

Official Use Only

# Hackney Carriage / Private Hire Test Assessment Pass Certificate

Driver Number  
of Candidate

Please note this certificate is valid for 1 year only from this date

Date of test Day Month Year  
22 06 09

certify that:

Name **MR JOHN SCOTT KENNEDY**  
Address (must be your permanent address in GB) **FOR VIEW**  
**STATION HILL**  
**WISTON**  
Postcode **CA7 9BP**

has completed the Hackney Carriage/Private Hire Assessment as required by:

**CARLISLE**

(Licensing Authority)

Please present this along with all other relevant documentation to the Licensing Authority

Signature of Examiner

Authorised by the Driving  
Standards Agency to conduct  
Hackney Carriage/Private Hire  
Test Assessments

Test Centre

**CARLISLE MBTE**

Signature of Candidate

## Important – please remember

1. **Change of address** – if you have changed your name and/or address, put the new details on the back of your licence.
2. **Health** – you must tell DVLA at the onset or worsening of any medical condition which will affect your fitness to drive.

# Wheelchair Test Assessment Pass Certificate

WTA1  
AUG 200

Driver Number  
of Candidate

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Please note this certificate is valid for 1 year only from this date

Date of test

Day	Month	Year
22	06	09

I certify that:

Name	MR JOHN SCOTT KENNEDY
Address (must be your permanent address in GB)	1 FELL VIEW STATION HILL WIGTON
Postcode	CA7 9BP

has completed the Wheelchair Assessment as required by:

CARLISLE	(Licensing Authority)
----------	-----------------------

Please present this along with all other relevant documentation to the Licensing Authority

Signature of Examiner

Authorised by the Driving  
Standards Agency to conduct  
Wheelchair Test Assessments

Test Centre

CARLISLE MRF

Signature of Candidate

*[Handwritten Signature]*

## Important – please remember

1. **Change of address** – if you have changed your name and/or address, put the new details on the back of your licence.
2. **Health** – you must tell DVLA at the onset or worsening of any medical condition which will affect your fitness to drive.

## Appendix B

Complaint 24/10

Mr Armstrong, Brownrigg Drive  
Driver of H197 Scott Kennedy File 2119

10pm, Wed 14<sup>th</sup> July 2010.

When the taxi arrived, I saw the driver put the meter on well before we got there. I asked him not to start the meter until we were in. The driver got out and came around to me very aggressively and started shouting. My girlfriend tried to get between us and got her arm stuck. The baby was crying because of the shouting. He wouldn't give me his badge number so I went round to the back of the taxi and took his plate number. He got out of the taxi again and came up to me and belly bashed me knocking me backwards.

9am, Thurs 15<sup>th</sup> July 2010 – interview with Scott Kennedy/Mr Sharrock Licensing Officer  
Went to Brownrigg Drive. Was about to ring back when I saw him back house with pushchair. When he got to the taxi I switched the meter on and went to get out to give him a hand, I then noticed there was a lady behind him so I didn't get out. He said 'you can switch that fucking meter off and switch it back on when we get in' I told him I switched it on when he got to the taxi with the pushchair. He claimed I had switched it on when I was miles away and called me a 'fucking arsehole' I told him it would be better if he got another taxi as I wasn't going to be spoken to like that and told him to shut the door. He called me a 'fat bastard' and wouldn't shut the door. I got out to close it and he said 'come on then if you want a go' We had an argument and I admit I did tell him to fuck off, but knew I would lose my badge if I hit him so I got back in and left.

## CARLISLE CITY COUNCIL

COMPLAINT FORM  
Licensing Section

Full Name of Complainant Mr Armstrong  
Member of Public/Hackney/Private Hire Operator/Driver  
Address Bourne Drive

Driver/Operator/Other Complained of: Driver of H197  
Scott Kennedy Feb 2019

## Nature of Complaint:

When the taxi arrived I saw the driver put the meter on well before we got there. I asked him not to start the meter until we were in. The driver got out and came round to me very aggressively and started shouting. My girlfriend tried to get between us and got her arm struck. The baby was crying because of the shouting. He wouldn't give me his badge number so I went round to the back of the taxi and took his plate number. He got out of the taxi again and came up to me and Bally Bashed me - knocking me backwards.

Signed ..... Dated .....

## FOR OFFICE USE ONLY

Officer Receiving Complaint SS 15-7-10 12.00  
Action taken Advised him to contact police as he said his neighbours witnessed it



## CARLISLE CITY COUNCIL

COMPLAINT FORM  
Licensing Section

Full Name of Complainant .....

Member of Public/Hackney/Private Hire Operator/Driver

Address .....

Driver/Operator/Other Complained of: Scott Kennedy

## Nature of Complaint:

10pm Wed 14-7-10

Went for fare at Brownrigg Drive  
Was about to use my back when I saw him leave  
house with pushchair. When he got to the taxi  
I switched the meter on and went to get out  
to give him a hand. I then noticed there was  
a lady with him so didn't get out. He said  
"You can turn that fucking meter off and switch  
it back on when we get in." I told him I switched  
it on when he got to the taxi with the pushchair.  
He claimed I had switched it on when I was miles  
away and called me a "Fucking Arse Hole"  
I told him it would be best if he got another taxi

Signed ..... Dated .....

P70

## FOR OFFICE USE ONLY

Officer Receiving Complaint BS 9am 15-7-10

Action taken .....

as I wasn't going to be spoken to like that and told him to shut the door. He called me a "Fat-Bastard" and wouldn't shut the door. I got out to close it and he said "Come on then if you want a go"

We had an argument and I admit I did tell him to Fuck Off but knew I would lose my badge if I hit him so I got back in and left.

**CARLISLE  
CITY COUNCIL**



**www.carlisle.gov.uk**

## **Governance Directorate**

**Director of Governance: M D Lambert LLB (Hons)**

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023

Document Exchange Quote DX 63037 Carlisle Type talk 18001 01228 817000

Council Website [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

Mr J S Kennedy  
Fell View  
Station Hill  
Wigton  
CA7 9BP

Enquiries to:  
Direct Dial:

Barry Sharrock  
01228 817523

13 August 2012

Dear Mr Kennedy

### **Complaint**

On the 16th of July 2012 my Licensing Officer interviewed you regarding a complaint the Council had received from Reays Coaches about an incident that took place between yourself and one of their bus drivers.

Although you disputed most of the allegations you did admit that an altercation had taken place although it was nothing more than a bit of pushing and shoving.

This was however witnessed by members of the public who were concerned enough to ring the police. As the witnesses did not want to make statements the police decided to take no further action other than to advise you both to "grow up"

Because of this the Council will not be taking the matter any further and the complaint will be allowed to "lie on file" but may be referred to in any future similar incidents.

Yours sincerely

Licensing Manager

# Governance Directorate

**Assistant Director (Governance): M D Lambert LLB (Hons)**

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023

Document Exchange Quote DX 63037 Carlisle Type talk please ring 18001 01228 817000

Council Website [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

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Mr A Horn  
Reays Coaches  
Strawberry Fields  
Syke Park  
Wigton  
CA7 9NE

**Please ask for:**

**Direct Line:**

**E-mail:**

**Your ref:**

**Our ref:**

Licensing Officer

01228 817027

[licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)

Licensing/BS

13 August 2012

Dear Sir

I refer to a recent complaint made against a licensed taxi driver by a member of Reay's office staff. Brief details of the complaint are that

On Thursday 12<sup>th</sup> of July or Friday 13<sup>th</sup> of July a Reays bus and Scott Kennedy's taxi clashed mirrors at the taxi rank outside of Woolies (B & Ms)

Mr Kennedy chased after the bus and stopped it at Asda.

The driver of the bus got out to get away from his passengers so they would not see the argument

Mr Kennedy pushed the bus driver making him fall to the ground into nettles.

Mr Kennedy said a few things that you shouldn't say to a black guy (his words).

2 witnesses have made statements to the police.

Mr Kennedy has been interviewed at The Civic Centre and gives a very different version of the incident. He claims that

The incident in fact took place on Saturday 14<sup>th</sup> of July.

The collision took place in Georgian Way when the bus changed lanes and it's mirror caught the rear offside of Mr Kennedy's taxi.

The confrontation took place on Stanwix Bank by the cricket club.

There were no passengers on the bus.

It was the bus driver who pushed Mr Kennedy first, even after being warned not to.

The bus driver drove off without exchanging details.

He strongly denies any racist language was used and has in fact sought legal advice over this particular part of the complaint.

He notified the police himself about the incident and has spoken to Pc 2126 at police Headquarters

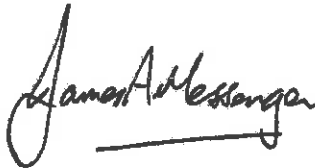
Looking back he is now embarrassed at what happened, just 2 big blokes losing control.

Continued

I have spoken to Pc 2126 and she has confirmed that 2 members of the public rang in to report the altercation but neither pointed the finger at the bus driver or the taxi driver as being the aggressor and neither were prepared to make a statement. To the best of her knowledge the 2 drivers were basically just told to "grow up".

In view of the 2 completely different versions given by the drivers, that there are no independent witnesses and also the fact that Mr Kennedy may be taking legal action regarding the allegation of racist language, the Council can take no disciplinary action against Mr Kennedy although the complaint will be kept on his record and may be referred to in the future.

Yours sincerely,

A handwritten signature in black ink, appearing to read "James Adlesinger". The signature is written in a cursive style with a long horizontal line extending from the end.

Licensing Manager

7-2-13

Name: JOHN SCOTT KENNEDY Disability Awareness**3** of the statements in each of the following are CORRECT.Circle the correct statements only.Even if you are not licensed to carry Wheel-chairs, you must still answer B**A. When transporting a blind passenger & guide dog, you must:**

1. Not stroke, pat or make a fuss of the dog
- ☒ 2. As well as opening the door for the passenger, inform them which way the vehicle is facing & which side the seats are on
- ☒ 3. Always make the dog travel in the rear of the vehicle
- ☒ 4. Tell them the fare & count out the change
5. Charge extra for carrying the dog

**B. When transporting a Wheelchair user you must:**

- ☒ 1. Always use ramps & extensions where necessary
- ☒ 2. Pull up as far away from the kerb as possible
- ☒ 3. Secure the Wheelchair in accordance with your vehicle instructions
- ☒ 4. Avoid sudden braking & acceleration
5. Push them forward facing down the ramps

**C. When transporting an Autistic passenger:**

- ☒ 1. Always be punctual
- ☒ 2. If it is a regular route you take, make sure you don't change it, unless roadwork dictate you must
- ☒ 3. Try to talk to the passenger as well as the carer
- ☒ 4. If it is a regular route, change it just to add variety for the passenger
- ☒ 5. They can choose if they want to wear seatbelts

**D. When transporting a hard of hearing or deaf passenger:**

- ☒ 1. Always sound the horn when you arrive
- ☒ 2. If you don't understand each other, write it down
- ☒ 3. A map would be useful & advised to be carried
- ☒ 4. If unsure of their instructions, its ok to have a guess
- ☒ 5. Speak clearly face to face when talking, don't shout, as they may be lip-reading

**E. When transporting a passenger with learning difficulties:**

- ☒ 1. Do not grab hold of their arm without the person giving their consent
- ☒ 2. If speech is slurred, don't assume they are drunk
- ☒ 3. Use easy to understand words & phrases and avoid 'jargon'
- ☒ 4. Its ok to make inappropriate or personal remarks, if meant in jest
- ☒ 5. Assume they won't be able to understand the handling of money.

80%

Cumbria  
United Kingdom  
CA7 8BZ  
0

## Appendix E

! [com](#)

The details of the complaint are:

Problem service/department:  
Hackney cab driver

Problem details:

whilst travelling on the new northern relief road i was following a learner driver travelling at approx 45mph towards the dalston Rd. roundabout. i didnt consider it was safe to overtake as there was vehicles travelling towards us from the wigton direction, however a radio taxis 7 seater wheelchair cab reg number SG63 WSU hackney licence H383 came up behind us and proceeded to overtake then cut in infront of me causeing me to brake sharply as soon as there was another short gap he also overtook the learner car, i sounded my horn and flashed my lights at his behaviour to which his response was a middle finger salute, i am aware that taxi drivers consider themselves to be better drivers than everyone else but i feel that as the licencing authority you need to have a word with this driver to remind him that taxi drivers should be polite courteous and patient, as we proceeded and turned off at Thursby driving legally we had caught the taxi up so his actions whilst causeing a hazard gained him absolutely nothing. the incident took place at 3.40pm on 19/2/14

Possible Solution:  
a reminder of his obligations should be given

Previously Reported? No

Previous Service or Department:

Previously reported to:

Previously reported on:  
//

**Susan Stashkiw**

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**From:** Licensing (Carlisle)  
**To:** 1.com  
**Subject:** RE: Completed Complaint Form

Dear Mr Nineham,

I confirm that I have had the driver of the Licensed vehicle in this morning for a chat about the incident.

I have impressed the importance of appropriate and considerate driving at all times whilst driving his licensed vehicle.

A record of this will remain on his file & may be referred to should any further incidents of a similar nature come to light.

Thank you for your time to report this to us, Kind regards,

Sue Stashkiw  
Licensing Officer  
Governance Directorate  
01228 817029

-----Original Message-----

**From:** Complaints (Carlisle)  
**Sent:** 25 February 2014 09:06  
**To:** Licensing (Carlisle)  
**Subject:** FW: Completed Complaint Form

Hi

Please see below complaint received by Complaints 21.2.14.

Regards

Lynne Tinnion  
Customer Services Supervisor  
Carlisle City Council

01228 817233

-----Original Message-----

**From:** Carlisle City Council Online Forms [mailto:onlineforms@carlisle.gov.uk]  
**Sent:** 21 February 2014 10:58  
**To:** Complaints (Carlisle); colin@ecreden.com  
**Subject:** Completed Complaint Form

The following complaint has been submitted by:

Mr Colin Nineham.  
Rose Barn  
Rosley



Interview with Scott Kennedy 27.2.14 Complaint 08/14 - S J STASHKI

Scott immediately launched into the interview in an aggressive manner telling me he knew exactly what it was about.

He explained that he had been following the complainant in question up to a roundabout going onto the northern bypass. He said the driver went into the right hand lane to enter the RB, whilst Scott stayed in the left. Both were taking the second exit towards the Dalston Rd direction. Scott told me that he had been a driving instructor & knew how to use roundabouts correctly & said that before 12O'clock you should use the inside lane to go around a RB but after 12, use the outside lane. So he was saying the complainant was incorrect & when he came to exit, he 'cut' Scott up. I managed to interrupt & ask if he was ahead of the complainant then on exiting the RB, to which he said no he wasn't, but I then assumed he was probably along side him if he was saying he was 'cutting him up'.

He then said the complainant flashed his lights & beeped his horn at him & the passenger gave a stern look.

I then managed to stop him & read out the complaint. He denied overtaking inappropriately or putting a middle finger up & was still very wound up about the situation.

I then warned him to calm down & speak to me in a calmer manner or I would terminate the interview. I also reminded him that we had other minor complaints in the file that concerned his attitude.

He then realised he wasn't doing himself any favours. I explained that it's difficult for us to establish exactly what happened, as there are always two sides of things. I did however say that when member of the public takes the trouble to complain, there generally is some element of truth in the report, unless there are personal issues involved.

He still denied driving or overtaking inappropriately. He did however say he has a camera in his vehicle that records out of the taxi from the front. He has it due to his last accident which involved a cow colliding with him. I asked if it will have the drive recorded, to which he said he didn't know & that's he's not that technically minded.

I told him to find out how it works & have it switched on in future as he could have proved the incident in question & his driving.

He said he would & apologised for his behaviour.

I said this will remain on his file.

No further action. Email sent to complainant.

A handwritten signature in black ink, appearing to read 'G. Smeane', is written at the bottom of the page.

CARLISLE CITY COUNCIL

31 /14

COMPLAINT FORM  
Licensing Section

Full Name of Complainant Leah Stanton

Tel: M: (

Date of Incident Wednesday 17<sup>th</sup> December 2014

Date Complaint reported 18<sup>th</sup> December 2014

Nature of Complaint:- Did not strap wheelchair passenger in, carried passenger sideways & banged her head.

Driver HD179 John Scott Kennedy working for Radio Taxis

Leah Stanton is a wheelchair user due to her disability or a rare tissue disorder (Ehlers- Dalos syndrome)

On Wednesday 17<sup>th</sup> Dec 2014 she called for a Taxi to take her from Asda, Kingstown to her home at South Henry St, Carlisle. She had two carers with her from Grey healthcare, a Sam Harris (0 ) & Marie Hewit (0 ).

The driver turned up & got the ramps out. He didn't ask if she needed help up the ramps, but her wheelchair is electric, so she attempted to manoeuvre up the ramps. She got stuck nearer the top & the driver came behind and pushed her up, banging her head on the top of the vehicle on entering. He asked if she was ok, but didn't apologise.

She then began to manoeuvre her wheelchair around to face the rear of the vehicle anticipating being strapped in and her w/c secured. The driver then told her to just stay where she was, which was sideways. He then lifted the ramps up, put the shopping in the taxi & set off without strapping the wheelchair or the passenger in. Both carers can witness that this was the case & that the wheelchair was moving about during the journey, particularly on the cobbled roads around Leah's home.

Leah suffered headache and had to lie down when she got home & was sick through the night. Her condition is such that she has fragile skin tissue, can bruise easily as well as joint hyper mobility where her limbs can dislocate many times throughout the day.

As this incident caused injury to her, her carer has had to report the incident to their employer & it had been logged by them.

Signed

.....

....Date.....

#### FOR OFFICE USE ONLY

Officer Receiving Complaint: S J STASHKIW

22.12.14 10am.

I spoke to Scott Kennedy & asked him his recollection of the event. He was confrontational & aggressive.

He recalled being late for the job. After getting the ramps out, the girl got up the ramps herself, but near the top of the vehicle got stuck, so he attempted to help her. He heard a thud and she put her hands to her head. It seemed the headrest had not been put down on the wheel chair and had come forward & become detached & hit her on entering the taxi. Scott said she threw the headrest onto the seat of the taxi. He asked if she was alright. She said she would need a cold compress on her head when she got home. He asked 'what I am supposed to do?' 'I didn't do anything' all said in an angry tone.

I then asked him to tell me what happened after that. He said she was in charge of manoeuvring her w/c as it was electric. He said she couldn't get it round and he said 'hang on'. He left her sideways and said he thought it was 'heavy enough' and 'would not move', so he didn't attempt to secure the w/c. He said there was too much shopping as well as the two carers.

I suggested the next step would be to get his vehicle down here as well as the w/c and see if it could be correctly strapped in. He said he had no doubt he could have accommodated it correctly, but he just didn't.

He admitted he made a mistake, said there was nothing he could do about it now and had 'made a mistake'.

I said I would be back in touch with him. His parting comment to me was 'well you might as well have my badge now then'



Your health, your choices

# Ehlers-Danlos syndrome

## Introduction

**Ehlers-Danlos syndrome (EDS) is a collection of inherited conditions that fit into a larger group, known as heritable disorders of connective tissue.**

Connective tissues provide support in skin, tendons, ligaments, blood vessels, internal organs and bones.

There are different types of EDS that may share some features, including:

- joint hypermobility – increased range of movement of joints
- stretchy skin
- fragile skin tissue

The fragile skin and unstable joints found in EDS may be the result of faulty collagen.

Collagen is a protein in connective tissue that acts as a "glue" in the body, adding strength and elasticity. There are many different kinds, including collagens I, III and V. The type of EDS depends on which collagen is involved.

The different types of EDS are caused by alterations in certain genes that make collagen weaker. Sometimes the amount of collagen in the body is reduced. The faulty genes can be passed from parents to their child (inherited).

This information is for anyone who has been recently diagnosed with EDS, or for anyone whose child has the condition. It explains:

- hypermobile joints
- different types of EDS
- [living with EDS](#)
- [managing pain](#)

## Hypermobile joints

People with EDS typically have loose joints, which means the limbs bend more than usual. This can cause floppy joints in infancy, and some affected children take longer to sit, stand and walk.

Read more information about [joint hypermobility](#).

## Different types of EDS

The four most common types of EDS include:

- hypermobile EDS
- classical EDS
- vascular EDS
- kyphoscoliotic EDS

There are also other, rarer, types of EDS, including dermatosparaxis and arthrochalasic. New genes have been found that explain other rare types of EDS.

## Hypermobile EDS

Hypermobile EDS is the most common form. However, there is some debate over whether it is the same as joint hypermobility syndrome. Both conditions may be part of a group of several similar conditions.

There are no tests available to confirm the diagnosis or distinguish between hypermobile EDS and joint hypermobility syndrome. The diagnosis is made based on a physical examination and a person's medical history.

People with hypermobile EDS may have:

- joint hypermobility – the joints have a wider range of movement than usual
- loose, unstable joints that can lead to dislocations and subluxations (incomplete or partial dislocation of a joint)
- joint pain and fatigue
- joints that "click" and are easily bruised
- gastrointestinal complications
- symptoms that affect the autonomic nervous system (the nervous system that controls your automatic functions, such as breathing and urination) – this includes postural tachycardia syndrome, which causes fast heart rate, dizziness and fainting
- mitral valve prolapse – a heart valve abnormality
- uterine, rectal or bladder prolapse
- urinary dysfunction
- dental problems
- low bone density (osteoporosis)

## Classical EDS

Classical EDS (previously known as EDS types I and II) is a rare condition and many health professionals will not be familiar with the symptoms and how to treat it.

People with classical EDS may have:

- joint hypermobility
- loose, unstable joints that can lead to dislocations and subluxations (incomplete or partial dislocation of a joint)
- stretchy (hyperextensible) skin
- fragile skin that can split easily – especially over the forehead, knees, shins and elbows
- smooth, velvety skin that bruises easily
- wounds can be slow to heal and leave wide, papery scars
- fragile and stretchy tissues can also result in hernias and prolapse
- in rare cases, there may be problems with the veins and arteries

## Vascular EDS

Vascular EDS is a rare type of EDS. The condition is sometimes associated with life-threatening complications, as the blood vessels and large bowel wall are prone to rupture, causing internal bleeding.

Women with vascular EDS who become pregnant may have an increased risk of vascular complications. There is an increased risk of womb rupture in later pregnancy.

People with vascular EDS may have:

- skin that bruises very easily because of fragile tissues
- thin skin with visible small blood vessels, particularly on the upper chest and legs
- fragile blood vessels – this can lead to major complications, such as blood vessels tearing (dissection) and arterial aneurysms (artery widening with a risk of rupture)
- risk of damage to hollow organs, such as bowel perforation or uterine rupture (where the womb tears)

Occasionally there may be other features, including:

- hypermobility of small joints (such as fingers and toes)
- premature ageing of the skin on hands and feet
- unusual facial features, such as a thin nose and lips, large eyes, small earlobes and fine hair
- joint contractures (permanent shortening of a joint)
- partial collapse of the lung (pneumothorax)
- gum problems, such as bleeding or receding gums
- varicose veins in early adult life
- wounds may take longer to heal

## Kyphoscoliotic EDS

People with kyphoscoliotic EDS may have:

- curvature of the spine – this starts in early childhood and often gets worse in the teenage years
- loose, unstable joints that frequently lead to dislocations
- weak muscle tone from childhood – this may cause a delay in sitting and walking, or difficulty walking if symptoms progress
- fragile eyeballs that can easily be damaged
- unusual shape or size of the clear front part of the eye (cornea)
- soft, velvety skin that is stretchy, bruises easily and scars

## Living with EDS

Fatigue is common in most types of EDS. If you have been diagnosed with the condition, you may find you need to conserve your energy and pace your activities.

You should avoid heavy lifting, contact sports and keeping your joints in one position for lengthy periods.

Simple measures can help protect some of your joints and help reduce pain. Exercise is important to strengthen the muscles that support the joints and so help minimise joint

dislocations. Swimming, pilates and exercises that strengthen core muscles are recommended.

For children with classical EDS, it may be helpful to pad or bandage your child's lower legs and elbows during activity and pad sharp corners on furniture. This may reduce the risk of skin injury, scarring and bruising.

However, it is important that parents are not overprotective and allow their children to live their life as normally as possible.

It is especially important that people with vascular EDS avoid contact sports and activities that involve lifting very heavy weights, sudden changes of acceleration (sprinting), or weight training.

Strenuous household tasks involving lifting or pushing large or heavy objects should also be avoided.

It is recommended that those with vascular EDS wear a medical alert bracelet.

Read more about living with EDS on the EDS Support UK website for more tips and advice on joint care, and finding a balance between rest and exercise.

## Support

If you or your child are having problems with pain and movement, you can ask your GP to refer you to a physiotherapist with an understanding of hypermobility.

If necessary, your GP can refer you to an occupational therapist to help you manage daily activities and give advice on equipment that may help you.

Counselling and cognitive behavioural therapy (CBT) may be useful in helping you to cope with long-term pain. Your GP should be able to advise about local counselling services. Patient support groups such as EDS Support UK can also be helpful.

If you want to find out more about the cause of the condition and the chance of other family members also having EDS, you can ask your GP to refer you to your local genetics service. Genetic counselling, where you can discuss the chance of passing the condition on to future children, is available.

A specialist EDS diagnostic service was set up in 2009 for patients in England and Scotland. This service is for complex EDS, where the diagnosis of the specific form of EDS requires further investigations.

Hospital consultants can refer you to this service, but not GPs. The clinics are held in Sheffield and London. Individuals in Northern Ireland or Wales require separate funding from their health authority.

## Managing pain

For advice about persistent pain, you can speak to your GP, who may refer you to a rheumatologist or pain specialist. Read more information about living with pain.

The EDS Support UK website also offers advice about overcoming sexual difficulties associated with pain.



# NEWS RELEASE

Date of Issue: Friday, 12 October 2012



## **New lessons learnt**

### **Disability awareness for Carlisle taxi drivers**

Carlisle taxi drivers have been told that they have to attend a disability awareness session to improve their knowledge of carrying passengers with a disability.

Under new rules set out by Carlisle City Council, as the local licensing authority, all 252 Hackney Drivers and 77 Private Hire drivers will have to attend a compulsory awareness session organised by the council. The sessions will ensure that drivers are aware of their responsibilities to disabled passengers. The sessions will conclude with an assessment.

The sessions will give guidance on what support should be offered to disabled passengers e.g. ask whether they need any assistance with their seat belt or entering/leaving the taxi. Also, how to provide support to visually impaired or blind passengers, as well as those who are hard of hearing or deaf; autistic; users of wheelchairs or passengers with learning difficulties.

The decision is that ALL existing drivers will be required to attend a Disability Awareness Session within 12 months of the introduction and that new drivers must attend prior to their licence being granted was taken by members of the Regulatory Panel on Wednesday, 8 August 2012.

The decision was in response to the new Disability and Equality Act 2010 that now replaces most of the Disability Discrimination Act, giving disabled people enhanced protection from discrimination and legal rights in many areas, including access to transport services.

In recent years there have been many high profile cases where passengers have been injured through being carried incorrectly in Taxis. Carlisle licensing regularly receives complaints of this nature and in line with many other authorities, the 'in-house' awareness session has been agreed.

Cllr John Bell, Chairman of the Regulatory Panel, said: "We appreciate that many drivers carry disabled passengers on a regular basis and are familiar with the correct procedures, however, it is our duty to ensure all drivers are fully aware of their responsibilities and their rights when carrying disabled passengers. It is also important that these awareness sessions are consistent across the board and delivered to all drivers. It is recognised that many drivers have carried out training in their own time and achieved qualifications in passenger transport, however, it is felt that the awareness sessions would act as a refresher to them and during open discussion newer drivers would benefit from their experience and knowledge."

Sessions are free and take place in the Civic Centre, Carlisle. They will last a maximum of two hours and a 'multi-choice' questionnaire will be given at the end of the session. Failure to complete the session without a valid reason within the given time scale may result in you drivers being referred to the Regulatory Panel.

**Further information: Sarah Irving, Communications – 01228 817150**

# Birmingham Coroner calls for new taxi restraints for wheelchairs

Jul 8 2009

THE Birmingham Coroner has called for the compulsory use of restraints for wheelchair users in taxis following the tragic death of a 14-year-old disabled girl.

Aidan Cotter also said Birmingham City Council should make it part of the terms of the driver's licence and that they should also attend a five-hour seminar on disability discrimination training.

He made his comments after hearing that a black cab driver had picked up Razan Begum from Birmingham Children's Hospital in February.

Razan was with her father and her younger sister and suffered from a "terrible illness" which made her spine very fragile.

The wheelchair she was in was loaded sideways into the vehicle which then set off.

Mr Cotter said something then happened to cause the wheelchair to "jerk" and Razan lost consciousness almost immediately. She died two days later despite attempts to save her.

He said neither the cab driver nor her father had committed any criminal offence and there was no suggestion the driver had driven badly.

He recorded a verdict that Razan of Rupert Street, Netchells died as a result of an accident.

Taxi driver Ashfaq Hussain said because of the design of his cab it had been impossible for him to fit the restraints on the wheelchair as well as having two passengers.

He said he had told Razan's father that if necessary he should hold onto the chair



Page 2 of 2

Peter Barrow, head of licensing for Birmingham City Council, said Mr Hussain received his taxi licence in 2003 and that it only became a requirement for new drivers the following year to receive disability training.

He added that it would appear to be "common practice" to put wheelchairs into taxis sideways and that this did pose a risk.

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Aiden Keith Cotter LL.B., M.B.A., C.M.D.

Her Majesty's Coroner for the City of Birmingham and the Borough of Solihull,  
Coroner's Court, 50 Newton Street, Birmingham B4 6

Our ref: AKC/lmh  
31<sup>st</sup> July 2009

Mr Peter Barrow  
Head of Licensing  
Birmingham City Council  
Ladbroke House  
Bordesley Street  
Digbeth  
Birmingham B5 5BL

Dear Mr Barrow

Re: Ramzan Begum (deceased)

I am reporting this matter to you in accordance with rule 43 Coroners Rules 1984 (as amended by the Coroners (Amendment) Rules 2008). I enclose a copy of the Rule (as amended).

In accordance with rule 43, a copy of this report is being sent to the Lord Chancellor and all the other properly interested persons identified at the inquest (together with other people who I believe may find I useful or of interest). A list of copy recipients can be found at the end of this report. Your response to this report will also be shared with those listed.

I enclose herewith a copy of the **Inquisition**.

It was clear from the evidence that Ramzan's death may well have been avoided if her wheelchair had been secured in the taxi.

I hope that Birmingham City Council will give serious consideration to requiring all taxi drivers operating within the City to secure wheelchairs within the vehicle.

I understand that taxi drivers applying for a licence after June 2004 are required to attend a course of training under the Disability Discrimination Act. I can see no justification to restricting that necessary and invaluable information to a small group of the taxi drivers. I would be grateful if Birmingham City Council would arrange for all taxi drivers operating within the City to undergo that training.

It may well be that the City have already put these matters in hand. I look forward to hearing from you.

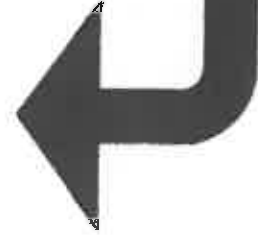
Yours sincerely

*Aiden Keith Cotter*  
*H. M. Coroner*  
*Birmingham and Solihull Districts*

## Section 165 Passengers in Wheelchairs

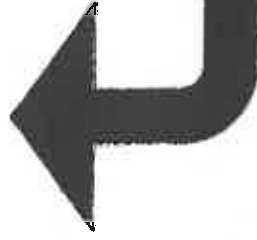
### Duties of the Driver are:

- To carry the passenger in a W/C
- Not to make an additional charge
- If the passenger wants to sit on a seat, agree to carry W/C
- To take necessary steps to ensure the passenger is carried SAFELY and in reasonable comfort
- To give passenger mobility assistance as is reasonably required



# Wheelchair – Hackney Carriage Summary

- Ramps carried at all times
- Explain what you are going to do
- Always stay behind passenger
- Ask if they want help up the ramps
- Passengers always to face rear of vehicle
- Wheelchair locked into position, brakes on
- Seatbelt securely fastened
- Communicate with passenger
- Meter on!



# Appendix I

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*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

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## Local Government (Miscellaneous Provisions) Act 1976

### 1976 CHAPTER 57

#### PART II

##### HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

#### **61 Suspension and revocation of drivers' licences.**

- (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—
- (a) that he has since the grant of the licence—
    - (i) been convicted of an offence involving dishonesty, indecency or violence; or
    - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
  - (b) any other reasonable cause.
- (2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.
- (b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 1 on the standard scale].

[<sup>F2</sup>(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

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*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

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- (2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.]
- (3) Any driver aggrieved by a decision of a district council under [<sup>F3</sup>subsection (1) of] this section may appeal to a magistrates' court.

#### Annotations:

##### Amendments (Textual)

- F1** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46
- F2** S. 61(2A)(2B) inserted (16.3.2007) by Road Safety Act 2006 (c. 49), ss. 52(2), 61; S.I. 2007/466, art. 2
- F3** Words in s. 61(3) inserted (16.3.2007) by Road Safety Act 2006 (c. 49), ss. 52(3), 61; S.I. 2007/466, art. 2

##### Modifications etc. (not altering text)

- C1** S. 61: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B4



**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to :**

- s. 61 modified by S.I. 2009/2863 reg. 4 Table

**Commencement Orders yet to be applied to the Local Government (Miscellaneous Provisions) Act 1976:**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2007/466 art. 2(b) commences (2006 c. 49)
- S.I. 2007/1897 art. 2 commences (2005 c. 9)
- S.I. 2009/3318 art. 2-4 commences (2009 c. 20)
- S.I. 2011/2329 art. 3 commences (2011 c. 5)
- S.I. 2011/3019 art. 3 Sch. 1 commences (2011 c. 13)