

# CARLISLE CITY COUNCIL

Report to:- **THE CHAIRMAN AND MEMBERS OF THE REGULATORY PANEL**

Date of Meeting:- 8<sup>th</sup> August 2012

Agenda Item No:-

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**Public**

**Operational**

**Delegated**

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## Accompanying Comments and Statements

**Required**

**Included**

Cumbria Fire Service

No

No

Cumbria Constabulary

No

No

Environmental Services

No

No

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**Title:-**

**HACKNEY CARRIAGE AND PRIVATE HIRE DISABILITY AWARENESS SESSION**

**Report of:-**

**DIRECTOR GOVERNANCE**

**Report reference:-**

**GD40 /12**

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## Summary:-

The current local knowledge test for new Hackney Carriage and Private Hire drivers includes a module on disability awareness. This module was introduced in November 2010. The Disability and Equality Act 2010 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 response to the Act and taking into account national media coverage of serious accidents where disabled passengers have been injured as a result of being transported incorrectly and a number of recent disability access complaints the Licensing department have compiled a Disability Awareness Session for all new and existing drivers, as well as update the module for new drivers.

## Recommendation:-

A number of recommendations are included at paragraph 3 of this report

J A Messenger  
Licensing Manager

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Disability and Equality Act 2010, Hackney and Private Hire conditions and code of practice.

## **To the Chairman & Members of the Regulatory Panel on 8<sup>th</sup> August 2012**

### **1. CURRENT SITUATION**

Prospective Hackney Carriage and Private Hire drivers are required to undertake and pass a disability awareness module within the local knowledge test before they are granted a drivers licence.

Existing drivers, prior to November 2010 currently have 'grandfather rights' meaning they were exempt from undertaking this module and may therefore be transporting and working with disabled people having had no formal training or guidance.

Drivers and escorts who are contracted to carry disabled passengers on a regular basis are required, as a condition of their contract, to attend a 2 day disability awareness course organised by Cumbria County Council. These drivers convey disabled adults and children on a daily basis to care homes and social service establishments.

Since 2001, all new drivers of Wheelchair accessible vehicles have been tested on their ability to load, secure and unload wheelchairs as part of their DSA (Driving Standards Agency) test

### **2. DISABILITY AWARENESS**

The majority of drivers encounter disabled passengers on a much less frequent basis. However, particularly over the past year the Licensing Department have dealt with complaints regarding refusals to take disabled passengers and of incorrectly securing wheelchairs into vehicles.

In a high profile case in Birmingham in February 2009, a 14yr old girl died as a result of an accident whilst being carried sideways and not being correctly strapped in. The Coroners report concluded her death 'may well have been avoided had she been secured properly'.

In response to this case, we, and many other authorities feel it is appropriate to introduce an awareness session to all our new and existing drivers to ensure they are suitably advised on how to transport disabled passengers correctly.

There are many different types of vehicles that are equipped to take wheelchairs and the onus does however remain with the driver to ensure he knows how to operate and secure all equipment on his vehicle.

An awareness session that should last approximately 2 hours has been drawn up which includes the showing of a 10 minute DVD. Carlisle Access group, the Taxi Association and a large operator of disabled contracts have been consulted on the content and their comments taken into account.

It is proposed that there will be no cost to drivers and a Licensing Officer will deliver the session to groups of approximately 10-15 drivers at a time over a 12 month time scale. At the conclusion of the session delegates will be given a multi choice question paper to ensure that they have understood the content of the awareness session.

Members will be given a short extract from the Awareness session to familiarise themselves with what is proposed.

### 3. RECOMMENDATION

- To introduce and deliver a 2 hour Disability Awareness Session for all new and existing Hackney Carriage and Private Hire drivers over a 12 month period, (existing drivers given until 31.08.13 to attend, save for exceptional circumstances).
- To add to para. 24 of the **Hackney Carriage Drivers Codes of Practice**:  
'The driver shall attend the City Council Disability Awareness training upon initial application or within 12 months of the scheme being implemented for existing drivers. The driver shall ensure that all Wheelchair passengers are positioned and restrained in accordance with the vehicle/manufacture instructions'
- To add para. 10c) to the **Hackney Carriage Vehicle Terms and Conditions**:  
Where a vehicle is licensed as a Wheelchair Accessible Vehicle, it shall at all times:
  - have the appropriate restraints and ramps in full working order. (If defective the Vehicle owner must report this to the Licensing department with immediate effect)
  - the vehicle must only be driven by a licensed driver who has completed and passed the DSA wheelchair test, or holds grandfather rights. He must also have attended the City Council Disability Awareness training upon initial application or within 12 months of the scheme being implemented for existing drivers.
- To add to para. 10 of the **Private Hire Driver Terms and Conditions** to read:  
'The driver shall attend the City Council Disability Awareness training upon initial application or within 12 months of the scheme being implemented for existing drivers. The driver shall ensure that all Wheelchair passengers are positioned and restrained in accordance with the vehicle/manufacture instructions'
- To add para. 31 to the **Private Hire Vehicle Conditions** to read:  
Where a vehicle is licensed as a Wheelchair Accessible Vehicle, it shall at all times:
  - have the appropriate restraints and ramps in full working order. (If defective the Vehicle owner must report this to the Licensing department with immediate effect)
  - the vehicle must only be driven by a licensed driver who has completed and passed the DSA wheelchair test, or hold grandfather rights. He must also have attended the City Council Disability Awareness training upon initial application or within 12 months of the scheme being implemented for existing drivers.

Prepared by S J Stashkiw.  
Licensing Officer