

REGULATORY PANEL

WEDNESDAY 8 AUGUST 2012 AT 2.00 PM

PRESENT: Councillors Allison, Bell, Cape, Craig, Ms Franklin, Layden, Morton, Mrs Parsons, Scarborough, Mrs Stevenson, Mrs Vasey and Mrs Warwick.

RP.19/12 APOLOGIES FOR ABSENCE

There were no apologies for absence submitted at the meeting.

RP.20/12 DECLARATIONS OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

RP.21/12 MINUTES OF PREVIOUS MEETINGS

RESOLVED – That the minutes of the meeting held on 30 May 2012 be agreed as a correct record of the meeting and signed by the Chairman.

RP.22/12 HACKNEY CARRIAGE AND PRIVATE HIRE DISABILITY AWARENESS SESSION

The Licensing Officer presented Report GD.40/12 regarding the module on disability awareness included in the Hackney Carriage and Private Hire local knowledge test. The module was introduced in November 2010. Most of the Disability Discrimination Act had been replaced by the Disability and Equality Act 2010 and gave disabled people enhanced protection from discrimination and legal rights in many areas, including access to transport services.

The Licensing Officer informed Members that prospective Hackney Carriage and Private Hire drivers were required to undertake and pass a disability awareness module within the local knowledge test before they were granted a driver's licence. Existing drivers, prior to November 2010 currently had "grandfather rights" which meant that they were exempt from undertaking that module and may therefore be transporting and working with disabled people having had no formal training or guidance.

Drivers and escorts who were contracted to carry disabled passengers on a regular basis were required, as a condition of their contract, to attend a 2 day disability awareness course organised by Cumbria County Council. Those drivers convey disabled adults and children on a daily basis to care homes and social service establishments. Some of the drivers have gained NVQ or BTEC

qualifications but some are dated and the training would add to their knowledge. Since 2001, all new drivers of wheelchair accessible vehicles had been tested on their ability to load, secure and unload wheelchairs as part of their Driving Standards Agency (DSA) test.

The Licensing Officer explained that the majority of driver encountered disabled passengers on a much less frequent basis. However, particularly over the past year, the Licensing Department had dealt with complaints regarding refusals to take disabled passengers and of incorrectly securing wheelchairs into vehicles. Complaints were received up to 5 times per week and it was time consuming for the Officers who had to investigate those complaints. The Licensing Officer gave Members an example of a high profile case in Birmingham in February 2009 when a 14 year old girl died as a result of an accident whilst being carried sideways and being correctly strapped in. The Coroner's report concluded that her death "may well have been avoided had she been secured properly". In response to that case Carlisle City Council, and many other authorities, felt it was appropriate to introduce an awareness session to all new and existing drivers to ensure that they were suitably advised on how to transport disabled passengers correctly.

There were many different types of vehicles that were equipped to take wheelchairs and the onus did, however, remain with the driver to ensure he knew how to operate and secure all equipment on the vehicle. An awareness session, including a 10 minute DVD, had been drawn up. Carlisle Access group, the Taxi Association and a large operator of disabled contracts had been consulted on the content and their comments taken into account. It was proposed that there would be no cost to drivers and a Licensing Officer would deliver the session to groups of approximately 10-15 drivers per session over a 12 month timescale. At the conclusion of the session delegates would be given a multiple choice question paper to ensure that they had understood the content of the awareness session. A short extract of the awareness session was presented to Members to familiarise themselves with what was proposed, as well as a presentation of the DVD that would be shown to drivers as part of the training and an example of the proposed questions to be answered at the end of the session.

The Licensing Officer recommended that a 2 hour Disability Awareness Session be introduced for all new and existing Hackney Carriage and Private Hire drivers over a 12 month period. It was recommended that existing drivers would be given until 31 August 2013 to attend a session, save for exceptional circumstances.

The Licensing Officer also recommended a number of amendments to the Hackney Carriage Drivers Codes of Practice, The Hackney Carriage Vehicle Terms and Conditions, the Private Hire Driver Terms and Conditions and the Private Hire Vehicle conditions.

In response to questions the Licensing Manager advised that there were 180 wheelchair accessible taxis but all taxis would be required to carry disabled passengers at some point.

The Licensing Manager explained that the “exceptional circumstances” referred to within the report had been included to allow for unforeseen circumstances that would prevent all drivers being trained before 31 August 2013. However, if a driver refused to undertake the training they would be referred to the Regulatory Panel. The Licensing Manager confirmed that the training would be rigidly enforced.

The Licensing Manager gave examples of some of the complaints received by the department one of which was that the wheelchair ramps were broken. He advised that it was not unreasonable that the ramps would be repaired in approximately one week.

The Licensing Officer clarified the situation with regard to “grandfather rights”. The Officer explained that when the DSA Wheelchair test was brought in, many drivers had been driving wheelchair accessible vehicles for a number of years and they were not required to take the test. However, the proposed training would be mandatory for all drivers and it was considered that for those drivers with many years experience the training would be a refresher for them.

The Licensing Manager confirmed that volunteer drivers who were not licensed would not be required to undertake the training.

RESOLVED – 1) That a 2 hour Disability Awareness Session be introduced for all new and existing Hackney Carriage and Private Hire drivers over a 12 month period with existing drivers given until 31 August 2013 to attend, save for exceptional circumstances

2) That the amendments to the Hackney Carriage Drivers Codes of Practice, the Hackney Carriage Vehicle Terms and Conditions, the Private Hire Driver terms and Conditions and the Private Hire Vehicle Conditions as outlined in recommendations to the report be implemented.

(The meeting ended at 2:47pm)