

INITIAL EQUALITY IMPACT ASSESSMENT AND ANALYSIS (EqIAA)

Proposals for:

- 1) A specification for Wheelchair Accessible Taxis, and**
- 2) Publishing a designated list of wheelchair accessible and all licensed taxis and PHVs**

Please Note:-

This document describes an initial assessment of equalities impacts in relation to the proposals for a specification for Wheelchair Accessible Taxis and publishing a list of all licensed vehicles.

The council has a statutory duty to consider the impact of its actions in relation to the following protected characteristic groups:-

1. Age
2. Disability
3. Gender Reassignment
4. Marriage and Civil Partnership
5. Pregnancy and Maternity
6. Race
7. Religion or Belief
8. Sex
9. Sexual Orientation

Therefore, the council wishes to hear and proactively consider any comments in relation to how any aspect of the issues presented may impact on any sections of the community as listed above. Any feedback in relation to equalities and any point raised within this document will feed into and inform a full Equality Impact Assessment and Analysis.

You can find out more and tell us your views by completing our survey online at <https://consultations.southglos.gov.uk/consult.ti/WAVs/consultationHome> or sending your comments to:

Email: consultation@southglos.gov.uk

Write to: FREEPOST SGC

Phone: 01454 868154

Copies of the consultation are available from your local library or one stop shop.

The consultation on these proposals commences on 16th September 2019 and ends Twelve Weeks later on 8th December 2019.

SECTION 1 – INTRODUCTION

South Gloucestershire Council is responsible for licensing both Hackney Carriages (Taxis) and Private Hire Vehicles for its District. This means carrying out a range of safeguards and checks on both the licensed drivers of the vehicles and the vehicles themselves. This takes place prior to initial licensing, at regular interviews thereafter and as a result of checks on compliance and complaint investigations.

Whilst all are commonly referred to as Taxis there are distinct legal differences between Hackney Carriages and Private Hire Vehicles. The key differences are that Hackney Carriages do not need to be pre-booked (although can be) can wait on designated taxi ranks and can be hailed on the street. Private Hire Vehicles must be pre-booked through an operator, cannot wait on designated taxi ranks and cannot be hailed on the street.

Part 12 of the Equality Act 2010 sets out a series of provisions relating to transport and these provisions specifically relate to disabled persons. Chapter 1 of Part 12 of the Equality Act sets out provisions relating to taxis.

Part 12 of the Equality Act 2010 can be viewed in full by clicking [here](#).

Specifically relevant to this consultation are the following sections of Part 12:

- 165. Passengers in wheelchairs.
- 167. Lists of wheelchair-accessible vehicles

As such, it is clearly considered that the key 'Protected Characteristic' as set out in the Equality Act 2010 which is relevant in this instance is that of 'Disability'. That is not to say that the other Protected Characteristics are not relevant as Disabled People will all have a variety of Protected Characteristics, however, for the purposes of this specific EqIAA, the key Protected Characteristic relevant is that of 'Disability'.

The Department for Transport (DfT) has issued statutory guidance (which can be viewed by clicking [here](#)) regarding access for wheelchair users to taxis and private hire vehicles. Although the statutory guidance can be read in full at the link provided, this EqIAA has identified the following key points for ease of reference:-

Key points of information taken from the statutory guidance (included here for ease of reference):

- Section 167 of the Equality Act provides local Licensing Authorities (LAs) with the powers to make lists of wheelchair accessible vehicles (i.e. "designated vehicles"), and section 165 of the Act then requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act.
- We want to ensure that the commencement of sections 165 and 167 of the Act has a positive impact for passengers in wheelchairs, ensures they are better informed about the accessibility of designated taxis and Private Hire Vehicles (PHVs) in their area, and confident of receiving the assistance they need to travel safely.
- Section 167 of the Act permits, but does not require, LAs to maintain a designated list of wheelchair accessible taxis and PHVs. Whilst LAs are under no specific legal obligation to

maintain a list under section 167, the Government recommends strongly that they do so. Without such a list the requirements of section 165 of the Act do not apply, and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra.

- The Act states that vehicles included on a licensing authority's list of designated vehicles should be able to carry passengers in their wheelchairs should they prefer. This means that to be placed on a licensing authority's list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The Government therefore recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a "reference wheelchair" to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- LAs should ensure that their designated lists are made easily available to passengers, and that vehicle owners and drivers are made aware. Lists should set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of operator. Where possible it would also be helpful to include information about the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a "reference wheelchair" can be accommodated.

Section 165 of the Equality Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs. The duties are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

The Act then goes on to define mobility assistance as assistance:

- To enable the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

South Gloucestershire Council's Regulatory Committee wishes to provide users of the licensed taxi and private hire service in South Gloucestershire with ample information in order that users can reach an informed decision on how best to travel.

The current proposal is to publish the following details of all licensed vehicles on the Council's web site:

- a. make and model of the vehicle,
- b. whether taxi or private hire vehicle,
- c. the name of operator,
- d. Contact details,
- e. information about the size and weight of wheelchair that can be accommodated,
- f. whether wheelchairs that are larger than a "reference wheelchair" can be accommodated

The statutory guidance states that the Government recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a "reference wheelchair" to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair. In response to this, the Council is also consulting on a detailed specification for Wheelchair Accessibility for Hackney Carriage Vehicles – in other words, being clear on the definition of the term 'reference wheelchair'.

SECTION 2 – RESEARCH AND CONSULTATION

Introduction

There are currently approximately 200 licensed Hackney Carriages and 2000 licensed Private Hire Vehicles in South Gloucestershire. It is estimated that there will be hundreds of journeys and miles each day in licensed vehicles for all sorts of purposes from journeys to school and places of business to social and personal excursions. Nationally, we know that there are 13.9 million disabled people in the UK and as at the last Census in 2011, 15.6% of the population of South Gloucestershire reported that their day to day activities are limited.

Designated list of wheelchair accessible taxis and PHVs

At the current time the Council does not maintain or publish a designated list of wheelchair accessible taxis and PHVs. A working group of representatives of the licensed trade and the Local Authority officers and Lead Members of the Council's Regulatory Committee have taken a supportive stance of the current proposals for the list.

Before drivers can be subject to the duties under section 165 of the Equality Act, the LA must first publish their list of designated vehicles, and clearly mark it as 'designated for the purposes of section 165 of the Act'.

The DfT's statutory guidance sets out that designated lists of wheelchair accessible taxis and PHVs should set out the details of the following:

- a. make and model of the vehicle,
- b. whether taxi or private hire vehicle,
- c. the name of operator.

and, where possible:

- d. information about the size and weight of wheelchair that can be accommodated, and
- e. whether wheelchairs that are larger than a "reference wheelchair" can be accommodated

The proposal being consulted upon encompasses all of the above 5 elements, and additionally proposes to include 'contact details'. Neither section 167 of the Equality Act nor the statutory guidance suggests that contact details for the operator e.g. telephone number or e-mail address should be included in the list. However, there is a question as to the usefulness of the list if contact details are not included. In addition a meeting held with representatives of disability groups held on 20th May 2019 also raised the following points:

- Ideally, information on how to book would be useful information to include in the list. Not everyone will do it online and there can be issues with the way this works for certain disabilities.
- The website or booking system of the taxi or PHV operator should have an option to declare disability and to request accessible vehicles. Not all disabilities need a van.
- It was not considered that a list of make / model of the vehicle would be the most appropriate as not everyone understands. It was suggested that a description / picture of the type of licensed vehicle would be useful.

The statutory guidance also recommends that LAs also publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle.

A specification for Wheelchair Accessible Vehicles

The Equality Act states that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer. This means that to be placed on a licensing authority's list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The Government therefore recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a "reference wheelchair" to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

The Government recognises that this approach will mean that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the LA's list. Section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle.

The definition of a 'reference wheelchair' is part of this consultation and is set out as the 'Proposed Hackney Carriage Wheel Chair Accessible Vehicle Specification'. This specification is based on the specification used by Bristol City Council. It is considered both reasonable and practical that this particular specification is used as there is much travel across borders and for users to be clear on a specification that relates in both LA areas has clear potential to offer clarity and usefulness for users. This is also backed-up as a reasonable principle to apply by the meeting held with representatives of disability groups held on 20th May 2019.

Other information elicited through research and consultation

The meeting held with representatives of disability groups held on 20th May 2019 also raised the following points:

- A published list has the potential to consider a wider range of accessibility issues.
- Members of our community with autism prefer the same driver, this is similar for persons with learning difficulties.
- If possible companies that are autism friendly should have this recognised on the list.
- There are increasing awareness levels around dementia and this should be included as part of the proposed disability awareness training for drivers.

South Gloucestershire Council conducted a survey of taxi users between 12th August and 7th October 2015. 23% (236 persons) of respondents stated that they had experienced a problem/issue with accessing a taxi (these included, drivers have not known how to use equipment, taxis not easy to pre-book nor get instantly, accessible vehicles seem to only be available part of the time).

SECTION 3 – IDENTIFICATION AND ANALYSIS OF EQUALITIES ISSUES AND IMPACTS

The key issues raised in Section 2 of this EqIAA are produced here along with an identification of the equalities issues and impacts emerging.

| Issue | Response |
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| <p>At the current time the Council does not maintain or publish a designated list of wheelchair accessible taxis and PHVs. Feedback from the trade with existing wheelchair accessible vehicles has been against the publication of such a list.</p> | <p>Attendees at a meeting held with representatives of disability groups held on 20th May 2019 agreed that a published list was a reasonable principle and that they wanted to consider accessibility more widely than just wheelchair accessible vehicles.</p> <p>It is clear that before drivers can be subject to the duties under Section 165 of the Equality Act, the LA must first publish their list of designated vehicles, and clearly mark it as 'designated for the purposes of section 165 of the Act'.</p> <p>Publishing a list would allow for drivers to be subject to Section 165 of the Equality Act and as such would provide a mechanism for enhanced accessibility for wheelchair users.</p> <p>The feedback gained from representative groups of disabled people in South Gloucestershire expressed a desire to see any published list consider accessibility more widely than just wheelchair accessible vehicles. Nationally, we know that there are 13.9 million disabled people in the UK. Around 5 – 7% of disabled people are wheelchair users.</p> <p>As such a consideration of the development of any published list to encompass accessibility in its widest sense should form part of the consultation.</p> |
| <p>The proposal being consulted upon encompasses all of the 5 statutory elements of a published list, and additionally proposes to include 'contact details'.</p> | <p>The inclusion of 'contact details' within any published list has the potential to have a positive impact for both users and operators.</p> <p>Including contact details could offer a simple and effective solution for users to make contact and for operators to receive contact.</p> |
| <p>Ideally, information on how to book would be useful information to include in the list. Not everyone will do it online and there can be issues with the way this works for certain disabilities.</p> | <p>Offering a range of contact details from telephone to websites would offer the greatest positive impact.</p> |

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|---|---|
| <p>The website or booking system of the taxi or PHV operator should have an option to declare disability and to request accessible vehicles. Not all disabilities need a van.</p> | <p>This is an issue for operators to consider, however, the council as the local Licensing Authority is able to promote this approach to licensed operators.</p> |
| <p>It is not considered that a list of make / model of the vehicle would be the most appropriate as not everyone understands. It was suggested that a description / picture of the type of licensed vehicle would be useful.</p> | <p>Both a description and a picture of the vehicle in addition to make and model of vehicles would offer the greatest positive impact.</p> |
| <p>The statutory guidance recommends that LAs also publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle.</p> | <p>Publication of such a list would provide recognition of a range of impairments and allow for enhanced accessibility for people with a variety of impairment types.</p> |
| <p>The definition of a 'reference wheelchair' is based on the specification used by Bristol City Council.</p> | <p>It is considered both reasonable and practical that this particular specification is used as there is much travel across borders and for users to be clear on a specification that relates in both LA areas has clear potential to offer clarity and usefulness for users. This is also backed-up as a reasonable principle to apply by the meeting held with representatives of disability groups held on 20th May 2019.</p> |
| <p>There are increasing awareness levels around dementia and this should be included as part of the proposed disability awareness training for drivers.</p> | <p>It is proposed that this will be included in a future commissioning specification for disability awareness training.</p> |
| <p>Accessibility of the list</p> | <p>Any published list would need to be available in accessible formats. The Council has in place an Equality and Diversity in Communications Policy and this can be followed to ensure that accessibility to any list itself is maximised.</p> |
| <p>Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require.</p> | <p>LAs can grant exemptions from the duties to individual drivers if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If the exemption application is successful then the LA should issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle.</p> |
| <p>The Government expects LAs to take tough action where drivers breach their duties under section 165 of the Act and that LAs use their powers to ensure that drivers who discriminate against disabled passengers are held accountable.</p> | <p>If a driver receives a conviction for breaching their duties under section 165 of the Act, it would be appropriate for the authority to review whether or not they remained a fit and proper person to hold a taxi or PHV drivers' licence.</p> |

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| | It is noted that the Government’s presumption is that a driver who wilfully failed to comply with section 165 would be unlikely to remain a “fit and proper person”. |
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SECTION 4 - EqIAA OUTCOME

At this stage there is no EqIAA Outcome. This is because this is an initial EqIAA and an outcome will only be identified post consultation.

| Outcome | Response | Reason(s) and Justification |
|---|--------------------------|-----------------------------|
| Outcome 1: No major change required. | <input type="checkbox"/> | |
| Outcome 2: Adjustments to remove barriers or to better promote equality have been identified. | <input type="checkbox"/> | |
| Outcome 3: Continue despite having identified potential for adverse impact or missed opportunities to promote equality. | <input type="checkbox"/> | |
| Outcome 4: Stop and rethink. | <input type="checkbox"/> | |

SECTION 5 - ACTIONS TO BE TAKEN AS A RESULT OF THIS EqIAA

NB. This section will be updated post consultation.

Ensure that consultation specifically requests feedback in relation to the following:-

- Views on developing any published list to encompass accessibility in its widest sense should form part of the consultation.
- Views on any published list including contact details.
- Views on any published list including information on how to book.
- Views on any published list containing both a description and a picture of the vehicle in addition to make and model.
- Views on publication of a separate list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle.

In addition:

- Conduct a review of proposed disability awareness training for drivers to ensure coverage of awareness levels around dementia.
- Promote to taxi and PHV operators that websites and booking systems should have an option to declare disability and to request accessible vehicles.

SECTION 6 – EVIDENCE INFORMING THIS EqIAA

NB. This section will be updated post consultation.

Sources of information:

- The Equality Act 2010
- Access for Wheelchair Users to Taxis and Private Hire Vehicles, Statutory Guidance, Department for Transport (DfT)
- DWP Family Resources Survey
- South Gloucestershire Council Hackney Carriages Licensing Policy Pre-engagement - Taxi Users Survey Consultation Report 2015
- Census 2011 data