
Licensing and Regulatory Committee

5th March 2010

Report of the Director of Neighbourhood Services

Competency Assessment and Disability Equality Training for Drivers of Wheelchair Accessible Hackney Carriages and Private Hire Vehicles.

Summary

1. This report seeks members' approval for the introduction of an assessment of competency for the drivers of all licensed hackney carriage and private hire wheelchair accessible vehicles.

Background

2. Information has recently been received regarding the tragic death of a 14 year old schoolgirl who was a passenger in a Birmingham licensed hackney carriage. The girl suffered from a condition which made her spine very unstable and had been a wheelchair user for many years.
3. When travelling in the taxi the wheelchair was placed in a sideways position, the passenger was strapped to the wheelchair but the wheelchair itself was not secured within the taxi. During the journey the taxi had cause to brake resulting in the wheelchair jerking and caused what proved to be a fatal injury to the young passenger.
4. Subsequently an inquest was held and various people were called to give evidence. These included the taxi driver and the Head of Licensing at Birmingham City Council.
5. The Coroner confirmed in his findings that it was clear from the evidence that the death may well have been avoided if the wheelchair had been properly secured in the taxi. He further recommended that council give serious consideration to requiring all taxi drivers operating in Birmingham to secure wheelchairs in their vehicles and that training under the Disability Discrimination Act be extended to all licensed drivers (previously only applied to new drivers). A copy of the Coroners letter is attached at Annex 1 (re-typed for clarity).
6. In the City of York we have 37 wheelchair accessible hackney carriages and 27 wheelchair accessible private hire vehicles. Currently we do not require drivers

to have any relevant training nor do we have any assessment of their competency to safely transport passengers in wheelchairs. Whilst it is recognised that some drivers have undertaken training on a voluntary basis, the Birmingham incident highlights the necessity for the licensing authority to ensure that all drivers are suitably trained and skilled to transport their passengers safely.

7. Officers have examined various training and assessment schemes available and are proposing that the minimum level of competency in the handling of wheelchairs should be the Driving Standards Agency (DSA) wheelchair exercise. This assessment is available at many of the country's test centres and will be made available at the DSA test centre in York from 1st April 2010. In making this recommendation it is recognised that there are other assessments which are more exhaustive than that of the DSA which the council would also recognise. Each would be evaluated on its own merit.
8. Drivers may feel that they are able to achieve this standard without further training but if not, there are various training options available commercially. If demand is such the council may be able to develop a local training scheme.
9. The completion of this assessment will provide both the driver and the licensing authority with the confidence that the driver has sufficient knowledge to operate the vehicle and equipment in the way intended by the manufacturer but does not address any of the legal issues of disability equality or meeting the needs of the customer. In order to address these matters it is proposed that further training is provided by the council.
10. In developing the taxi accreditation scheme, a web based disability equality training package is being produced specifically for taxi drivers. It is based on the council's generic disability equality training course available to all staff. This will provide no cost training and assessment which can be taken in the user's own time. It provides background statistics and information, considers relevant legal implications of disability legislation and seeks solutions to practical scenarios. It is proposed that this training be considered the minimum for the drivers of all wheelchair accessible hackney carriage and private hire vehicles.
11. In introducing these requirements it is proposed the following condition be attached to vehicle licences at the time of their next renewal:

"Where a vehicle is licensed as a wheelchair accessible vehicle it shall only be driven by a licensed driver who has:

- a) Completed and passed the Driving Standards Agency wheelchair exercise or equivalent, and
- b) Completed and passed the City of York Council Disability Equality Training Level 1 (Taxi) or equivalent."

If approved, this will be introduced from 1st June 2010 for hackney carriage vehicles and 1st November 2010 for private hire vehicles.

Consultation

12. These proposals were circulated to the three Hackney Carriage Associations and the Private Hire Association prior to the scheduled liaison meeting with council officers on 26th January 2010. At that meeting all representatives were fully in support of the proposals. Following that, the owners and drivers of each licensed wheelchair accessible vehicle has been written to and asked for their views on the proposals. Two responses were received, one from a hackney carriage driver confirming that the assessment was a practical test. The second was from a driver and representative of a private hire company supporting the proposal.
13. The City of York Council Disability Equality Training Level 1 (Taxi) or equivalent was developed with the direct input of disabled people including disabled children and their parents.

Options

14. Option 1 – Approve the proposals to introduce an assessment of competency for drivers of wheelchair accessible hackney carriage and private hire vehicles in the carriage of wheelchairs based on that provided by the Driving Standards Agency.

Option 2 – Approve the proposals to introduce disability equality training based on the DET Level 1 (Taxi) on-line training package for all drivers of wheelchair accessible hackney carriage and private hire vehicles.

Option 3 – Make no changes to the current licence conditions relating to the drivers of hackney carriage or private hire vehicles.

Analysis

15. The Birmingham incident has highlighted the role of the Licensing Authority in ensuring that drivers of wheelchair accessible licensed vehicles are properly equipped to safely transport passengers confined to wheelchairs.
16. The direction of the Coroner in Birmingham City Council is equally valid for all licensing authorities. Whilst the proposals for training and competency that officers have made in this report do not mirror those in Birmingham, it is believed they are practical and appropriate to introduce in York. The NVQ used in Birmingham does not include a practical assessment of competency in loading, securing and unloading a wheelchair which officers feel is essential in providing both the driver and the licensing authority with confidence that the driver has the necessary skills to undertake these tasks.
17. The Disability Discrimination Act 2005 places a duty on taxi drivers to ensure disabled people are not discriminated against. In the latest draft of the Department for Transport's Best Practice Guidance on Taxi and Private Hire, licensing authorities are encouraged to do what they can to work with operators,

drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people.

18. The use of the on-line Disability Equality Training will provide a targeted, flexible, no cost training package which can be accessed by drivers at any time to suit them.

Corporate Strategy

19. The improvement in the safety of wheelchair passengers who travel in hackney carriage and private hire vehicles will contribute to the council's Safer City objective whilst a greater awareness of the needs of disabled people will help make York an Inclusive City.

Implications

20. **Financial:** There are no financial implications for the council in relation to this report.

Human Resources (HR): None.

Equalities: Options 1 and 2 support the council in meeting the duty it has under the DDA to promote equality of opportunity for disabled people and also help the council to meet its own Fairness and Inclusion objectives working with partners.

Legal: Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 provide for licensing authorities to attach conditions to hackney carriage and private hire vehicle licences which they consider reasonably necessary. Given the tragic circumstances in Birmingham, the conditions proposed in this report appear both necessary and reasonable. Any proprietor aggrieved by the imposition of these conditions may appeal to the Magistrates' Court.

Crime and Disorder: None.

Information Technology (IT): None.

Property: None.

Other: None.

Risk Management

21. In coming to any decision on this matter the council can minimise risk by ensuring it takes all factors into consideration in coming to its decision. The decision should be reasonable in the light of the information available.

Recommendations

22. Members are recommended to:

Approve Options 1 and 2 and add to the vehicle licence conditions for hackney carriage and private hire vehicles the following condition at their next renewal:

Where the licensed vehicle is so constructed or adapted as to be a wheelchair accessible vehicle it shall only be driven by a licensed driver who has:

- a) Completed and passed the Driving Standards Agency wheelchair exercise or equivalent, and
- b) Completed and passed the City of York Council Disability Equality Training Level 1 (Taxi) or equivalent.

Reason: To ensure the safety of wheelchair reliant passengers when travelling in licensed hackney carriage and private hire vehicles and promote general disability equality awareness for drivers of wheelchair accessible vehicles.

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Neighbourhoods and Community Safety

Report Approved

Date 16th Feb 2010

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Wards Affected:

For further information please contact the author of the report.

Background Papers:

None

Annexes:

Annex 1 – Report of HM Coroner Birmingham and Solihull (re-typed for clarity).