



Regulatory Committee

Wednesday, 4 January 2023 at 7.30 pm

Council Chamber - Civic Centre

Members of the Committee

Councillors: J Wilson (Chairman), E Gill (Vice-Chairman), J Broadhead, T Burton and S Saise-Marshall

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the Committee, if they are not a member of this Committee.

AGENDA

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss Clare Pinnock, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please contact Democratic.Services@runnymede.gov.uk or 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
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Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

List of matters for consideration

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Part I

Matters in respect of which reports have been made available for public inspection

1. **Notification of Changes to Committee Membership**

2. **Minutes**

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To confirm and sign as a correct record the Minutes of the meeting held on 8 November 2022 (Appendix 'A').

3. **Apologies for Absence**

4. **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests or other registrable and non-registrable interests in items on the agenda.

5. **Disability Awareness Training - Outcome of Consultation**

6 - 31

6. **Exclusion of Press and Public**

Part II

There are no part II items on this agenda

Runnymede Borough Council

Regulatory Committee

Tuesday, 8 November 2022 at 7.40 pm

Members of the Committee present: Councillors J Wilson (Chairman), E Gill (Vice-Chairman), T Burton and S Saise-Marshall.

Members of the Committee absent: Councillor J Broadhead.

308 Minutes

The Minutes of the meeting held on 27 September 2022, were confirmed and signed as a correct record.

309 Apologies for Absence

Apologies for absence were received from Councillor J Broadhead.

310 Declarations of Interest

There were no declarations of Interest to record, other than those already declared by Members of the Committee on their main register of interests.

311 Regulatory Fees and Charges 2023-2024

The Committee was asked to approve the various fees and charges under the remit of the Regulatory Committee, some of which were set in statute, others could be determined locally.

Members noted that setting the fees was the subject of a rigorous regime which had been in place since 2014. The process involved seven elements. These were application processing, consumables, administration, medical reports for drivers only, monitoring compliance or enforcement, hackney carriage rank rental cost and hackney carriage fare setting and advertising. Officers calculated the cost of each element which resulted in the recommended fees.

The Committee noted that the current deficit for taxi licensing was approximately £86,000 for 2023/2024. However, £10,600 represented non-rechargeable costs. The reduction in the number of drivers and vehicles, mainly owing to competition from app based companies, explained the significant drop in income. In 2017 the Council had licensed 228 drivers and 208 vehicles. By contrast these had fallen to 92 drivers and 79 vehicles in 2022. Officers were asked to calculate how much per resident the current deficit on taxi licensing was covering.

Officers explained that the Council's costs had to be deemed reasonable in all aspects but that full cost recovery was an option should Members wish to consider this in the future. This would be subject to obtaining legal advice and would need to be approved by the full Council as a major policy change which could have a negative effect on the taxi trade.

The Committee agreed that on average Runnymede's fees and charges compared favourably with other boroughs, all of whom had different ways of determining their fees. Members reviewed a series of statistical data, and appreciated the activity based costing approach taken by Officers. It was agreed to provide the Committee with some of the

slides after the meeting so they could better understand the background. This also demonstrated the transparency of the fee setting process.

Members discussed other ways in which the service could reduce costs, assist drivers and encourage new drivers to apply. It was observed that no economies of scale were currently being achieved. Some on-costs (including a number of internal re-charges) were considered excessive, others such as the legislative requirement to advertise fees in a local newspaper were significantly expensive.

It was noted that in other service areas, particularly Community Services, shared services were an option to reduce cost. However, Members agreed it was prudent to await a steer from central government before pursuing this. Officers agreed to submit a report on future options for service delivery, different fee levels and their financial implications to a future meeting of the Committee.

The issue of rank provision was discussed, noting that despite the efforts of Members and Officers none had been made for the Magna Square development in Egham. This was very disappointing. The Committee sought to continue pursuing options for additional ranks in the borough, and Officers agreed to submit a report to a future meeting, subject to suitable locations becoming available or being identified.

The app based companies were discussed; including the practice of surge pricing, making them, at times, more expensive than using local firms. However, the sheer volume of app based drivers were having a detrimental effect on the local trade.

In respect of other Regulatory related fees, Officers were asked to confirm why the Caravan Site licensing fees had not increased in 2023/24. Regarding Pavement Licensing, Officers advised that more resource in the form of enforcement would be needed to fully monitor how businesses operated within this regime. Owing to legislative delay a report on this would now be presented in min 2023.

RESOLVED that –

The proposed fees and charges, as set out in Appendix ‘A’ of the agenda be approved, to be effective from the dates in the appendix, or as soon as practical thereafter.

312 **Exclusion of Press and Public**

There were no confidential or exempt items on the agenda.

(The meeting ended at 8.43 pm.)

Chairman

Disability Awareness Training – Outcome of Consultation (Environmental Services, Robert Smith)

Synopsis of report:

This report is to inform the Committee of the results from the Consultation on mandatory disability awareness training for drivers and operators.

Recommendation(s) that:

- i) **Members consider the consultation and Officer’s recommendation and resolve whether mandatory disability awareness training for drivers and operators should become a requirement of licensing for drivers and operators; and**
- ii) **Should Members resolve that this must be a requirement, the Hackney Carriage and Private Hire Licensing Convictions Policy be amended as resolved and approved.**

1. Context and background of report

- 1.1 On 28 June 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 took effect in England, Scotland, and Wales. It amended the Equality Act 2010 (the ‘Act’) to introduce new and amend existing duties for local authorities and hackney carriage and private hire drivers and operators alike.
- 1.2 A report was presented to this Committee on 27 September 2022 relating to amendments made to the Equality Act 2010 with respect to hackney carriage and private hire vehicles and private hire operators. Members can refer to that report for full details of the amendments.
- 1.3 The updated ‘Act’ imposes duties on all drivers of taxis or private hire vehicles and private hire operators which have been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. From 28 June 2022, hackney carriage and private hire drivers and private hire operators; regardless of whether the vehicle is wheelchair accessible, became subject to the new duties under the ‘Act’.
- 1.4 Following the above report, it was decided that following a consultation this Committee would consider whether to make disability awareness training a mandatory requirement for drivers and operators.

2. Report

Consultation

- 2.1 A consultation took place between 4 October 2022 and 16 November 2022. The consultation was circulated as widely as possible and included the trade, public and disability groups/organisations. A blank example of the consultation notice is at Appendix ‘A’.
- 2.2 This consultation contained the relevant information and simply asked the question:

'Do you believe Runnymede Council should make disability awareness training a mandatory condition of licensing for all existing and new taxi drivers and private hire operators licenced by Runnymede Borough Council?'

Replies could be Yes or No, with an opportunity to make comments.

2.3 A total of 67 responses were received as follows: -

Drivers	27 responses,	3 Yes,	24 No
Operators	3 responses,	1 Yes,	2 No
Public	37 responses,	31 Yes,	6 No

2.4 A full breakdown of the comments made by respondees can be seen at Appendix 'B'.

Guidance

2.5 The current Department for Transport (DfT) publication 'Best Practice Guidance' (Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England) dates from 2010. This does not give any guidance on disability training.

2.6 Members will recall that the DfT has recently consulted on revised 'Best Practice Guidance'. This consultation closed on 20 June 2022 and revised guidance will be published in due course.

2.7 One of the areas within the revised 'Best Practice Guidance' was that of disability training for drivers and operators. This is copied below, but it should be stressed this is not current and it remains to be seen whether this will be in the final version of the revised 'Best Practice Guidance'.

Disability awareness

6.3 Drivers should be trained in disability awareness or have their knowledge and skills assessed. Drivers should also be encouraged, through targeted and general communications, to uphold the highest standards of customer service. The training or assessment should include but not be limited to:

- *The features of an inclusive, high quality service.*
- *Appropriate attitudes, behaviours and skills.*
- *Assistance that can be provided to all passengers.*
- *The protected characteristics, and related Equality Act 2010 duties.*
- *Understanding the different barriers that disabled people face when using taxis and private hire vehicles, and how they might be identified.*
- *The role of taxis and private hire vehicles in enabling disabled people to be independent and the role of drivers and operators in facilitating this.*
- *How to communicate with people with different communication needs. Taxi and Private Hire Vehicle Licensing 27*
- *How to assist people with a range of visible and less visible impairments.*
- *Supporting wheelchair users to board, alight and travel in safety and comfort whilst seated in their wheelchair.*

- *Legal obligations towards disabled passengers and the consequences of not complying with them.*
- *An assessment of the trainee's knowledge and skills.*

2.8 Whilst not 'guidance' the Councillors Handbook (Taxi and PHV Licensing dated July 2021) states the following under Disability and equality issues.

'The Equality Act 2010 sets out obligations for public bodies to advance equality of opportunity among people and eliminate discrimination. Councils should think about how they can fulfil this obligation in relation to taxi and PHV licensing. Although there are few specific requirements that councils must implement in relation to disability issues, the LGA encourages councils to go beyond what is strictly required by introducing wheelchair accessible vehicle lists and mandatory disability training for all drivers'.

Current disability awareness training drivers undertake

- 2.9 A number of Runnymede licensed drivers carry out school runs for Surrey County Council (SCC) and these drivers must undertake a disability awareness training course.
- 2.10 The SCC disability awareness training course is very much designed to deal with issues that are specific to home to school transport. Issues such as general accessibility of vehicles, or any other aspects of the 'Act', are not covered in any great detail.
- 2.11 The course covers topics such as how to deal with Autism, Epilepsy, learning difficulties (mild and severe), physical disabilities etc., all of which are common amongst the children SCC provide transport for. This also covers communications such as the appropriate language and actions to use with children with disabilities.
- 2.12 The drivers or the operator pay SCC £40 for each place on the course. This payment covers the cost of the outside training provider and the venue. All drivers who work on SCC home to school transport are required to complete this training within the first year of operating on routes. Each attendee is supplied with a certificate of attendance. There is no test at the end of it, therefore not a 'pass or fail'.
- 2.13 SCC are unable to state how many of the home to school drivers are licenced with any particular authority without delving into individual records which would be a time-consuming task for them.
- 2.14 Runnymede drivers and operators have been asked to let the licensing section know if they are carrying out home to school transport, 21 drivers have stated they do although that number could be higher.
- 2.15 Officers have considered the fact that some drivers have training with SCC and whether asking them to do further training could be seen as onerous and unnecessary. Officers do not believe this to be the case, whilst the training provided by SCC (2.13 and 2.14) is undoubtedly necessary it does not give any great detail on the duties as required by the Equality Act 2010. Without this knowledge drivers and operators will be ill equipped to carry out their duties.

Benchmarking

- 2.16 The amendments to the 'Act' are relatively recent so this has not been considered by all Councils. Some may already have had this as a requirement prior to the amended 'Act' as is the case with the three Surrey local authorities to date which mandate disability awareness training. These are Guildford, Spelthorne and Epsom & Ewell.

Training type and availability

- 2.17 Officers' research has shown there are three main providers of disability awareness training. All are experienced in providing the service and are well established. The course content for all providers is up to date with the latest legislation and costs in the region of £40 with any of the providers. All courses are taken online and take 2.5 to 4 hours to complete.
- 2.18 In researching training providers Officers consulted licensing colleagues and online resources. It transpired that only three provided the requisite training. However, other training providers may come to light in the future. Officers propose to carry out checks on these every 6 months and should new providers come to light and offer similar training to those already described they would then be added to our list of training providers.
- 2.19 Training providers were asked for examples of their course content and these with other information are shown at Appendix 'C'.

Officers Recommendations

- 2.20 The Senior Licensing Officer recommends that members agree to making disability awareness training a mandatory requirement. The Officer's view is that this training is-
- i) proportionate - the courses offered take a few hours to complete and are reasonably priced.
 - ii) appropriate – the Equality Act sets out specific duties for drivers and operators which are designed to enable transport for those with disabilities.
 - iii) necessary – to provide the best possible service to disabled users and ensure drivers and operators are aware of their duties. As per the Council's Constitution '*The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.*'
- 2.21 In addition to the above there is, as shown in the draft DfT guidance and Councillors Handbook (2.9 and 2.10) an emphasis placed on disability awareness training.

Options

- 2.22 In considering this matter, Members have several options open to them (although this list is not exhaustive):
- i) Make no change.
 - ii) Allow all current drivers and operators to use their own judgment and carry out training at their discretion.
- and
- make it a requirement of licensing that all new drivers and operators undertake a disability awareness course prior to a licence being granted.
- iii) Allow all drivers and operators (currently licensed and new applicants) to use their own judgment and carry out training at their discretion.
 - v) Make it a requirement of licensing that all existing drivers and operators undertake a disability awareness course by a fixed date in the future and make it a requirement of licensing that all new drivers and operators undertake a disability awareness course prior to a licence being granted.

2.23 In all cases where a requirement is made the Council should make it clear that refusal to take this training may result in any licence being refused, suspended or revoked.

3. Policy framework implications

3.1 Should Members resolve that this must be a requirement, the Hackney Carriage and Private Hire Licensing Convictions Policy will be amended as resolved and approved.

4. Resource implications

4.1 There are minimal resource implications arising from these proposals. These involve amending guidance notes and forms to include mention of this training.

5. Legal implications

5.1 In relation to hackney carriage and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and to refuse a licence to drivers if we are not satisfied that the drivers are fit and proper persons to hold a licence. They also allow conditions to be attached to licences (with the exception of hackney carriage driver's licences).

6. Equality implications

6.1 The Council has a duty under the Equality Act 2010. Section 149 of the Act provides that we must have due regard to the need to;

- a) eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act

- b) to advance equality of opportunity
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.
- 6.2 We should at all times act in a way that is non-discriminatory through our policies and procedures and interactions with people.
- 6.3 The Council's Equalities Group has reviewed the screening assessment (Appendix 'D') and agrees that a full impact assessment is not needed and that our duties under the Equality Act have been fulfilled.
7. **Other implications**
- 7.1 The Council would not be entering into any contracts or be involved in a procurement process should members decide in favour of this training. The Council would be in a position to point drivers and operators in the direction of training providers via the application process but would take no part in any administration or setting up of courses.
8. **Timetable for Implementation**
- 8.1 Should Members decide in favour of this training a date by which all existing hackney carriage and private hire drivers and private hire operators must complete the training should be decided upon. Officers would suggest that this be sooner rather than later, and that a period of 6 months is sufficient.

(To resolve)

Background papers

Statutory Guidance – Access to taxis and private hire vehicles for disabled users
[Access to taxis and private hire vehicles for disabled users - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604222/Access_to_taxis_and_private_hire_vehicles_for_disabled_users_-_GOV.UK.pdf)

Equality Act 2010
<https://www.legislation.gov.uk/ukpga/2010/15/contents>

Councillor Handbook
[Councillor Handbook: Taxi and PHV Licensing | Local Government Association](https://www.local.gov.uk/councillor-handbook-taxi-and-phv-licensing)

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022
<https://www.legislation.gov.uk/ukpga/2022/29/enacted>

Runnymede hackney-carriage-and-private-hire-licensing-policy
<https://www.runnymede.gov.uk/downloads/file/572/hackney-carriage-and-private-hire-licensing-policy>

3 October 2022

**Consultation on mandatory disability awareness training for taxi drivers
and private hire operators in Runnymede.**

The purpose of this consultation is to ask you for your views on whether the Council should make it a condition of licensing for all existing and new drivers and operators to undertake mandatory disability awareness training following changes to the Equality Act 2010.

Currently, there is no requirement or condition requiring any drivers or operators licensed by Runnymede to have any kind of disability awareness training.

Training could include (although this list is not exhaustive) understanding subjects such as:

- what is meant by the term disability
- the law and legal requirements around disability
- different types of disability
- how to load and secure passengers and wheelchairs
- best practice when interacting with a disabled passenger
- the regulations about assistance dogs
- their duty of care responsibilities and best practice protocols

This consultation will be circulated to the local taxi trade, Runnymede Councillors and disability groups as well as day centres and libraries in Runnymede.

The consultation period will be from Tuesday 4 October 2022 until Wednesday 16 November 2022.

The information below may assist you in understanding the legislative changes before making your views known on the consultation return form on the last page.

It is important that we get as many responses as possible through this consultation. The Councils Regulatory Committee will meet again on 4 January 2023 to decide on the matter and your views are a key factor in the decision-making process.

Appendix A

On Tuesday 27 September 2022 the Councils Regulatory Committee met to discuss the changes to the Equality Act 2010 and the new responsibilities placed on taxi driver and private hire operators.

The Councils report can be seen here:

<https://democracy.runnymede.gov.uk/ieListDocuments.aspx?CId=157&MIId=809&Ver=4>

On 28 June, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 took effect in England, Scotland, and Wales. It amended the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators alike. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against.

Prior to 28th June 2022, the legislation only required drivers of designated wheelchair accessible vehicles to comply with the requirements of the Equality Act 2010.

The updated Equality Act 2010 imposes duties on all drivers of taxis or private hire vehicles which have been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. From 28th June 2022, all licensed drivers (taxi and PHV) and private hire operators; regardless of whether the vehicle is wheelchair accessible, are subject to duties under the Equality Act.

The information below shows the Equality Act 2010 requirements from 28th June 2022.

Disabled passengers: duties of drivers

The updated Equality Act 2010 Act imposes duties on all drivers of taxis or private hire vehicles which have been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. This section is applicable to a disabled person who is able and wants to travel in a non-wheelchair accessible vehicle. The duties are:

- To carry the passenger
- If the passenger is in or has with them a wheelchair, to carry the wheelchair
- If the passenger has with them any mobility aids, to carry the mobility aids
- To take such steps, as are reasonable to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance* as is reasonably required
- Not to make, or to propose to make, any additional charge for complying with these duties

***Mobility assistance is defined as assistance:**

- To enable the passenger to get into or out of the vehicle

Appendix A

- 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.

Disabled passengers in wheelchairs: duties of drivers of designated vehicles

Under the requirements of the Equality Act 2010 a vehicle is wheelchair accessible if capable of carrying wheelchair users either in their wheelchair or in a passenger seat (depending on which the wheelchair user prefers), including allowing passengers to:

- i) get into and out of the vehicle in safety
- ii) travel in the vehicle in safety and reasonable comfort

The new legislation has also updated the requirements for drivers of a designated taxi or designated private hire vehicle which has been hired by or for a disabled person who is in a wheelchair or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

The additional duties for designated vehicles are:

- To carry the passenger while in the wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- If the passenger has with them any mobility aids, to carry the mobility aids
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance* as is reasonably required
- Not to make, or propose to make, any additional charge for complying with these duties

Disabled passengers: assistance to identify and find vehicle

There is a new duty on the driver of a private hire vehicle or pre-booked taxi where:

- the vehicle has been booked by or for a disabled person or by another person who wishes to be accompanied by a disabled person and
- the driver of the vehicle has been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle.

The duties are:

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- Not to make, or propose to make, any additional charge with the above duty

Appendix A

Duties of operators of private hire vehicles

The updated Equality Act 2010 creates a new offence for private hire car operators who fail or refuse to accept a booking requested by or on behalf of a disabled person, when the reason is that the passenger has a disability or to prevent the driver being made subject to a relevant duty.

Taxi and PHV drivers will be required to:

- Accept the carriage of **any** disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

PHV operators will be required to:

- Accept bookings for or on behalf of any disabled person if they have a suitable vehicle available.

Further information can be found at the following:

Statutory Guidance – Access to taxis and private hire vehicles for disabled users

<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2#introduction>

Equality Act 2010

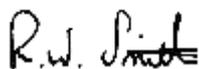
<https://www.legislation.gov.uk/ukpga/2010/15/contents>

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

<https://www.legislation.gov.uk/ukpga/2022/29/enacted>

If you have any questions about this new legislation, please contact me on 01932 425622 or licensing@runnymede.gov.uk.

Your Sincerely



Robert Smith

Senior Licensing Officer

CONSULTATION RETURN

The consultation period will be from Tuesday 4 October 2022 until Wednesday 16 November 2022. Please note that any responses received after 16 November 2022 will not be accepted.

The purpose of this consultation is to ask you for your views on whether the Council should make it a condition of licensing for all existing and new drivers and operators to undertake mandatory disability awareness training following changes to the Equality Act 2010. It is important that we get as many responses as possible through this consultation. The Council's Regulatory Committee will meet again on 4 January 2023 to decide on the matter and your views are a key factor in the decision-making process.

Please indicate your choice below by placing a cross in the relevant box and any comments in the space provided.

Do you believe Runnymede Council should make disability awareness training a mandatory condition of licensing for all existing and new taxi drivers and private hire operators licenced by Runnymede Borough Council.

YES

NO

Comments:-

Please return your response to Runnymede Borough Council's Licensing section either by email licensing@runnymede.gov.uk By post or deliver to Runnymede Borough Council, Station Road, Addlestone, Surrey KT15 2AH

Appendix B

	NO	YES	Comments
Driver	NO		As a taxi driver for many years for Runnymede Council I think it is part of my duty to offer help and compassion where required and have no issues doing so.
Driver	NO		I believe that drivers and operators are well aware that people with disabilities need some help.
Driver	NO		I don't believe this is necessary as we have for years held a contract with the local health authority and daily convey passengers with all kinds of disabilities without any issues at all
Driver	NO		Training should be optional not mandatory unless an incident has been reported regarding an individual.
Driver	NO		I do not have a disability car
Driver	NO		Common sense always prevail in all those circumstances, I believe we do already help enough if the passenger is disabled. Please keep in mind that a disabled person by knowing that we would have passed a disability awareness training may or may not be keen to abuse his circumstances, for example, carrying large accessories like a wheelchair from inside his house to the car. I don't believe is a good idea for a driver to enter a residence to go and pick up anything inside the residence ... unless is outside the door, and many other requests where could put us in a awkward position with responsibility that a professional care should cover. We don't need a disability awareness training
Driver	NO		Common sense and consideration.
Driver	NO		We are already doing it anyway. It will be a complete waste of time. As far as I can tell speaking from my own experience with helping a disabled person is (common sense). So no I don't think a disability course is necessary.
Driver	NO		In all my time as a taxi driver I've had no need to feel I needed training for the disabled, I find that if they are that bad they tend to be in a specialist transport Not taxi or Private hire.
Operator	NO		All the drivers here at Image Car Services work very closely with St Peters and have already much experience in looking after disabled passengers
Public	NO		I consider that only taxi drivers who wish to support people with disabilities should have the mandatory training.
Public	NO		There could be a liability to occur here, damage to any disability aide, any accident helping a passenger in or out of the vehicle who maybe put blame on the driver etc, etc. So there would be a need for a liability insurance to be taken out, the cost of £££££,s, an extra expense not needed anytime. Drivers have been carrying disabled passengers for years successfully.
Public	NO		I believe it to be unnecessary.

Appendix B

Driver	YES	Proviso is the course would be pertinent, focused, short and informative. Out of interest, it should also include recent changes to the Highway code regarding the restraint of dogs (most commonly a companion) whilst in vehicles.
Driver	YES	It is good to be made aware of latest mandatory disability awareness training
Driver	YES	We should already be aware of the rules and regulations. We have been sent the necessary guidelines on how and what we should do. I think that this is adequate enough. If however further down the line somebody pleads ignorance and goes against these rules then they should then be made to do a course. A one strike, then go on a course policy, is best I believe
Operator	YES	It is very important that drivers recognise the issues with disabled passengers - Drivers are getting used to the easy way and have lost even the basic courtesy of opening the door or helping with the luggage therefore when they get a disabled passengers, they feel they have a mountain to climb. Not everyone in society is blessed with the best of health and mobility therefore we should as an industry do our level best to raise the awareness and educate drivers so that they have empathy and not an attitude which is very negative and unhelpful. The only issue which I would like to raise on the vehicle front is if drivers are forced to purchase wheelchair accessible vehicles this would be an expense with the current economic climate a very difficult pill to swallow! or if there are incentives out there to help drivers and provide a better coverage for passengers!
Public	YES	We have had issues in the past when booking transport for our members. One man who is visually impaired was left in the wrong place. We have also had some issues with people that need to travel with guide dogs
Public	YES	Long Overdue
Public	YES	Mandatory training is necessary and will be very welcome. I am aware that some drivers of varying ethnicity have refused to accept blind persons with their guide dog (s). The objection being to the dog. Some have also refused to take a wheelchair. Others have attempted to inflate the price for accepting a wheelchair.
Public	YES	Everyone whether able or disabled should have the same treatment. Every company not just taxi drivers should have this course as part of its mandatory training
Public	YES	When going to/from care homes, hospital etc. Taxis assume I am staff and it's a bit uncomfortable/ I also get charged more than my friends, especially UBER
Public	YES	Training should include sensory impairments (Visual and Hearing) and other non-visible disabilities, especially any that might otherwise be interpreted as "Drunk, best avoided...." The training package should be validated by Surrey Coalition of Disabled people - "Nothing about us without us!" Example of non-obvious needs of Hearing Impaired people: " ** Don't have the sun or other strong light behind you, having a halo prevents lip-reading, so lip readers prefer a sunlit face!"

Appendix B

- Public **YES** Training and awareness of new legislation should be compulsory to all taxi drivers including Uber
- Public **YES** An online test would suffice.
- Public **YES** Provided the training is appropriate and cost effective. It is mainly about being observant, courteous and helpful.
- Public **YES** About time.
- Public **YES** Very good idea

Green Penny Ltd

<https://www.greenpenny.co.uk/product/disability-awareness-course/>

The objective of this course is to enable new and existing taxi drivers to develop their understanding of how to recognise and support customers with disability, understand relevant legislation and ensure customers receive a high level of service.

The course we run is at present a tutor led course carried out via a Teams call. We have up to 12 delegates on each course to ensure we have a controlled educational environment and the course is approximately 2.5 hours in length with a short course test at the end.

I can confirm that the content fully complies with the new legislation brought in at the end of June, so now covers the extra duties all drivers have in respect of accepting passengers with disabilities.

The course content covers:

Legislation including The Equality Act and Disabled Passengers Act 2022
Awareness of the different types of disability including physical and mental impairment and special education needs
The medical and social models of disability
Best practice on how to assist and help those with a disability
Wheelchair accessible vehicles
A case study which looks at a wheelchair user and how the industry can help in giving a better and safer service (group discussion)

The test is undertaken one to one with a mixture of multiple choice and short oral answers. Candidates must pass the test to gain the certificate.

Our tutors are all minimum Level 3 Education and Training (formerly PTLLS) qualified.

We currently work with 72 local authorities in England within the taxi licensing field offering a number of taxi driver courses and assessments.

The cost to the driver is £40.00 and can be booked online or via telephone.

The Blue Lamp Trust

<https://www.bluelamptrust.org.uk/disability-classroom-course/> delivered online

Delivered via Zoom
 £40.00 per delegate
 3 hour course
 eCertificate issued upon successful completion
 Simple online booking

Course Content

Disability – Definition

The World Health Organization gives the following definition of disabilities:

‘Disabilities is an umbrella term, covering impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations. Disability is thus not just a health problem. It is a complex phenomenon, reflecting the interaction between features of a person’s body and features of the society in which he or she lives.’

— World Health Organization, Disabilities

8 categories of Disability

- Mobility and Physical Impairments
- Spinal Cord Disability
- Head Injuries – Brain Disability
- • Vision Disability
- • Hearing Disability
- • Cognitive or Learning Disability
- • Psychological Disorder
- • Invisible Disabilities.

Relevant Legislation

Health & Safety at Work Act 1974

Your taxi and the road around you is your work place and environment so the Act applies to you.

Section 7 Duties of employees

- All employees have a duty while at work to:
 - Take reasonable care for the health and safety of him/herself and of other persons who may be affected by his/her acts or omissions at work; and
 - Co-operate with employers or other persons so far as is necessary to enable them to perform their duties or requirements under the Act

Section 8 Duties of persons in general

- Requires that • "no person shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare in pursuance of any of the relevant statutory provisions “.

Section 40 Onus of proving limits of what is practicable etc.

- The requires that
- “, it shall be for the accused to prove (as the case may be) that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement”

Equality Act 2010

The Equality Act 2010 sets out obligations for public bodies to advance equality of opportunity among people and eliminate discrimination. Councils should think about how they can fulfil this obligation in relation to taxi and PHV licensing. Although there are few specific requirements that councils must implement in relation to disability issues, the Local Government Association encourages councils to go beyond what is strictly required by introducing wheelchair accessible vehicle lists and mandatory disability training for all drivers.

Loading Wheelchairs

Wheelchair accessible taxi licence conditions require the driver to:

- securely restrain wheelchairs or scooters being carried in the taxi
- maintain high standards of interaction with passengers to ensure the passenger is safe and comfortable
- store luggage or other goods safely, and ensure they do not interfere with the movement of passengers in or out of the vehicle

A passenger occupying a wheelchair must not be carried in a taxi unless:

- the wheelchair is securely restrained by applying restraints to the floor from two points on the front and two points on the rear of the wheelchair frame
- the passenger is secured by a seat belt fitted to the taxi and which has been properly adjusted and fastened
- the wheelchair is correctly positioned within the taxi and with the wheelchair located between the appropriate restraint attachment tracks/points on the floor
- Wheelchair brakes applied

Positioning of a wheelchair

- Sitting so that the wheelchair is rear facing is the safest direction for transport because most crashes are frontal, and the impact sends the body into the support of the surface behind the occupant.
- However, front-facing transportation is recommended for the comfort of the traveller and because if the appropriate restraint system is in place, it is almost as safe as rear facing.
- Never transport someone in a side-facing position, it is also the most dangerous position because it offers the least amount of protection from crash forces.

Mobility Scooters

A passenger who uses a mobility scooter must: -

- be seated in a conventional passenger seat for the duration of the journey and wear a seat belt, and
- the scooter must be fitted with restraints to prevent movement of the scooter during the journey.
- If the scooter cannot be safely secured and restrained within the taxi, the scooter must not be carried.

Wheelchair Passport Scheme

The new code is called PAS 900:2010. PAS 900 requires a passport to be attached to a wheelchair for reading by transport operators and their assistants. A passport gives essential information for the safe transportation of a wheelchair and the welfare of the person sitting in it. It includes specified facts and pictures from wheelchair manufacturers, prescriber's, buyers, users, carers and transport providers.

Assisting Passengers

- See person first and talk directly to them
- If possible, put yourself at their eye level so wheelchair user does not have to crane their neck to speak to you
- See wheelchair as part of the user's personal space – do not assume it is okay to touch or move it without permission
- Ask if help is needed – don't assume it is or isn't
- If help is needed keep person informed about what you're doing
- Do not assume all wheelchair users have the same disability – needs will be different. If in doubt, ask
- Wheelchair handling is a partnership between user and you

- Passengers should not be lifted to and from their wheelchairs
- Empty wheelchairs should be stowed securely

To Look and Listen

- Speak to people, not at them
- Look directly to the person, not their helper or carer
- Ask whether help is needed – not assume disabled person needs or wants help
- If help needed ask how you may help – not assume you know best
- Do not patronise or make assumptions
- Allow people to express their own opinions, don't 'over speak'
- Two ears and one mouth – listen twice as much as talk

Touching

If you need to touch someone when assisting them do so '**safely and appropriately**'

To be appropriate:

- Touch only with person's permission
- Respect person's independence and dignity
- Physical contact should be:

Proximity

Be aware of personal grooming issues:

- Body odour
- Bad breath
- Clothing
- Skin to skin contact
- Tattoos
- Facial hair

Language

Currently acceptable phrases:

- Wheelchair user
- Disabled person, disabled people
- Person with a disability or a learning difficulty
- Person living with hearing loss

Guide Dogs

Under the Equality Act 2010, guide dogs and other assistance dog owners are:

- legally allowed access to businesses and premises.
- a taxi driver must carry a disabled person and their dog also without any extra charge for the dog.
- The only exception is that of medical exemption and this **must be applied for and granted and in place** to be able to justify a refusal.

Currently any taxi driver who breaks the law will incur a £1000 fine. Anyone with a private hire vehicle that refuses a guide dog can also potentially have their license revoked.

Colour Coding for Assistance Dogs

- **Canine Partners - Purple**
- **Dogs for Good – Green**
- **Dog Aid/Medical Detection Dogs – Red**
- **Guide Dogs for the Blind – Yellow**

• **Hearing Dogs – Burgundy**
Support Dogs - Blue

The course aims to provide Hackney Carriage and Private Hire drivers with a knowledge and understanding of disabilities, their responsibilities and best practice protocols to provide safe and secure transport to all passengers. The delegate will be able to:

- Understand what is meant by the term disability
- Understand the law and legal requirements around disability
- Understand different types of disability
- Understand how to load and secure passengers and wheelchairs
- Understand best practice when interacting with a disabled passenger
- Understand the regulations about assistance dogs
- Understand their duty of care responsibilities and best practice protocols

Learning is consolidated via Knowledge Check Questions throughout the course.

Equo Training

[Disability Awareness Training for taxi and Private Hire drivers | Equo](#)

Our training is delivered online and can be added to with our Safeguarding and County Lines modules for taxi and private hire drivers.

The training has been updated to highlight driver obligations under the new Act.

Area covered by our training are:

- Defining Disability
- Discrimination
- Equality Act 2010
- Taxi and Private Hire Vehicles (Disabled Persons) Act 2022
- Models of Disability
- Facts and Figures about Disability
- Positive Language
- Access to your premises
- Employment
- Mobility Impairment
- Visual Impairment
- Hearing Impairment
- Short Stature
- Disfigurement
- Speech and Language Impairments
- Learning Disabilities
- Mental Health
- Safe Transportation of Wheelchairs
- Assistance Dogs

Learners work through tutorials of each of these before moving onto the assessed multiple choice questions. The pass mark is 75%.

The new fee from 1st December will be £35+VAT for the Disability Awareness Training. We can, of course, amend the course to suit your specific requirements.

Our training is currently being used by:

- Tunbridge Wells
- Sevenoaks
- Maidstone
- North Northants
- Crawley
- South Somerset
- South Derbyshire

Drivers can either be signposted to our website where they buy the training themselves, complete it and then present you with the certificate.

The three Kent licensing authorities have drivers come into their offices to complete the training under supervised conditions. We can work with whichever method suits you.

Feel free to call me on [REDACTED] or drop me a line if you have any questions.

Taxi drivers and private hire drivers take thousands of fares in any one year. Potentially hundreds of those people have some form of disability – many of which are hidden.

Disability isn't all about wheelchairs – in fact wheelchair users make up just 5% of the disabled population.

This **Disability Awareness Training for taxi and private hire drivers** module gives an excellent introduction to you in an area where you may feel uncomfortable and uncertain but overwhelmingly want to get things right. The aim of this training is to help you to be more confident in your day-to-day dealings with disabled people.

Apart from understanding your moral obligations, there's also the legal side to think about.

You may not understand the implications of The Equality Act 2010 for disabled people, their families, service providers and employers.

Here's what the Equo Disability Awareness Training for Taxi Drivers and Private Hire Drivers covers:

- What is disability?
- The different types of disability;
- Legislation regarding customers and disability discrimination;
- Legislation regarding employees and disability discrimination;
- Practical advice on how to meet the needs of disabled people whether they are customers or colleagues.
-

Don't worry, our **Disability Awareness Training for Taxi Drivers and Private Hire Drivers** module isn't designed to catch you out and it's certainly not meant to be anything more than a basic introduction to Disability Awareness.

When you have finished the training you will be more self-assured and, therefore, able to give disabled people the same high-level of service that you undoubtedly give to everyone else. And to confirm your achievement you get instant access to your downloadable certificate – and we'll e-mail you a copy too.

Licensing Teams

Licensing Authorities around the UK are starting to insist that taxi drivers complete a Disability Awareness Training when they apply for their licence and on renewal.

It's happening already... Crawley Borough Council, which takes in Gatwick Airport, is rolling out our training to its 900 taxi and private hire drivers. And the training is also being used by Local Authorities and businesses around the country.

“Crawley Borough Council has in the past received a few complaints regarding drivers refusing to carry disabled passengers, charging more for wheelchairs etc. so Crawley decided to introduce Disability Awareness Training and Equo were chosen as they have the most knowledge of disability awareness which was vital in supplying our applicants with the appropriate training.

Since this training was introduced in April 2014 we have had no complaints regarding the taxi drivers who have completed the training.

Equo are very supportive, friendly and knowledgeable in helping to setup the online training and it has been an extremely easy process from beginning to end.

The Equo system is now used on a weekly basis and has saved the Council a lot of time in officer hours as we can now undertake 7 applicants at one time.”

Our training is being used by a growing number of Licensing Authorities including Crawley, Adur & Worthing Council, Corby, South Derbyshire, South Somerset, Bromsgrove, Tunbridge Wells, Sevenoaks and Maidstone.

Online training

It's simple to roll out our training to your taxi and private hire drivers. This can be achieved in a number of ways – all of which are fast and effective.

With the ongoing presence of COVID-19 it may not be practicable to consider face-to-face training sessions.

And arranging face-to-face training can be a nightmare – getting everyone in one place at one time, the travel arrangements – the list of things to organise seems endless. Drivers now only need to travel as far as a PC, laptop, tablet or smartphone – job done!
Time isn't being wasted on travelling to and from a training venue.

EQUALITY SCREENING

Equality Impact Assessment guidance should be considered when completing this form.

POLICY/FUNCTION/ACTIVITY	LEAD OFFICER
Hackney Carriage and Private Hire Licensing Policy	Robert Smith

A. What is the aim of this policy, function or activity? Why is it needed? What is it hoped to achieve and how will it be ensured it works as intended? Does it affect service users, employees or the wider community?

The Council has existing conditions, bylaws and requirements in relation to taxi and private hire licensing.

The purpose of licensing hackney carriage and private hire (taxi) operations is to ensure that the travelling public are provided with a safe and accessible means of transport. Public safety should always be the primary consideration when making licence decisions concerning the licensing of drivers, vehicles and operators.

B. Is this policy, function or activity relevant to equality? Does the policy, function or activity relate to an area in which there are known inequalities, or where different groups have different needs or experience? Remember, it may be relevant because there are opportunities to promote equality and greater access, not just potential on the basis of adverse impacts or unlawful discrimination.

The Protected Characteristics are; Sex, Age, Disability, Race, Religion and Beliefs, Sexual Orientation, Marriage and Civil Partnership, Gender Reassignment, Pregnancy and Maternity.

On 28 June 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 took effect in England, Scotland, and Wales. It amended the Equality Act 2010 (the 'Act') to introduce new and amend existing duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators alike.

The 'Act' aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against, and local authorities have an important role to play in ensuring the requirements are implemented effectively.

The legislation prior to 28 June 2022 only required drivers of designated wheelchair accessible vehicles to comply with the requirements of the 'Act'. The updated 'Act' imposes duties on all drivers of taxis or private hire vehicles which have been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. From 28 June 2022, all licensed drivers (taxi and PHV) and private hire operators; regardless of whether the vehicle is wheelchair accessible, became subject to duties under the Equality Act.

Disabled passengers: duties of drivers

The updated 2010 Act imposes duties on the drivers of taxis or private hire vehicles which have been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. This section is applicable to a disabled person who is able and wants to travel in a non-wheelchair accessible vehicle. The duties are:

- To carry the passenger

- If the passenger is in or has with them a wheelchair, to carry the wheelchair
- If the passenger has with them any mobility aids, to carry the mobility aids
- To take such steps, are reasonable to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance* as is reasonably required
- Not to make, or to propose to make, any additional charge for complying with these duties

Disabled passengers in wheelchairs: duties of drivers of designated vehicles

The new legislation has also updated the requirements for drivers of a designated taxi or designated private hire vehicle which has been hired by or for a disabled person who is in a wheelchair or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

The duties for designated vehicles are:

- To carry the passenger while in the wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- If the passenger has with them any mobility aids, to carry the mobility aids
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance* as is reasonably required
- Not to make, or propose to make, any additional charge for complying with these duties

Mobility assistance* is defined 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.

Disabled passengers: assistance to identify and find vehicle

There is a new duty on the driver of a private hire vehicle or pre-booked taxi where:

- (1) the vehicle has been booked by or for a disabled person or by another person who wishes to be accompanied by a disabled person and
- (2) the driver of the vehicle has been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle.

The duties are:

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired

- Not to make, or propose to make, any additional charge with the above duty

Duties of operators of private hire vehicles

The updated 2010 Act creates a new offence for private hire car operators who fail or refuse to accept a booking requested by or on behalf of a disabled person, when the reason is that the passenger has a disability or to prevent the driver being made subject to a relevant duty.

The regulations governing the carriage of disabled persons and any exemptions are contained in the Equality Act 2010 section 160 -173, this is already recognised within the Council's policy.

The Council's policy was subject of an Equality Impact assessment in January 2020 and is reviewed every five years, or sooner if required.

A positive impact in preventing any misuse of exemptions is that notices of exemption must, as a licensing condition, be displayed in the vehicle and there is scope for the introduction of a tactile certificate. An exemption certificate will only be issued where there is specific evidence from the driver's GP.

The policy has a positive impact in relation to those with disabilities by making clear the Council's expectations and legal requirements. The policy highlights the fact that drivers cannot charge extra for the additional time it may take to assist any disabled person, as demonstrated in a recent Court case.

With regard to the protected characteristic of 'disability'.

Currently, there is no legal requirement for all taxis to be wheelchair accessible. However, the Council recognises accessibility of vehicles and encourages operators and proprietors to recognise the potential market for wheelchair accessible vehicles.

The Council complies with section 167 of the Equality Act 2010 by publishing a designated vehicle list on its website, this list shows which vehicles are wheelchair accessible and give details of the operator/proprietor to enable bookings.

The policy makes it clear that it is an offence for any driver or operator to refuse or fail to comply with their duty under section 160 to 173 of the Equality Act 2010.

There is a possibility that drivers may find some accessibility matters difficult to comply with due to their own medical condition or disability and in these circumstances, there is scope to issue a certificate of exemption.

These new duties and responsibilities for drivers and operators will make a positive contribution to the carriage of disabled persons by making it an offence to refuse to carry, charge extra or fail to carry out the duties under the 'Act'.

All drivers and operators in Runnymede have been made aware of the new duties under the 'Act'.

With the introduction of the new duties and responsibilities mentioned above the Council are considering making it a mandatory requirement that all hackney carriage and private drivers as well as private hire operators licensed by Runnymede undertake disability awareness training to ensure they are aware of their duties under the Equality Act 2010.

Data on wheelchair accessible vehicles – currently the Council licences 6 such vehicles (2 operators) and a public register is available on the Council's website. This represents just 7% of vehicles.

If the policy, function or activity is considered to be relevant to equality then a full Equality Impact Assessment may need to be carried out. If the policy function or activity does not engage any protected characteristics then you should complete Part C below. Where Protected Characteristics are engaged, but Full Impact Assessment is not required because measures are in place or are proposed to be implemented that would mitigate the impact on those affected or would provide an opportunity to promote equalities please complete Part C.

C. If the policy, function or activity is not considered to be relevant to equality, what are the reasons for this conclusion? Alternatively, if there it is considered that there is an impact on any Protected Characteristics but that measures are in place or are proposed to be implemented please state those measures and how it/they are expected to have the desired result. What evidence has been used to make this decision? A simple statement of 'no relevance' or 'no data' is not sufficient.

The Policy and functions carried out in pursuance of this policy do not require a Full Impact Assessment. The basis for this decision is as follows;

- Parts of the Policy already contain many of the aspects of the Equality Act 2010 that relate to the carriage of disabled people.
- Much of the policy has been in practice previously, and it is considered a full impact assessment is not required based on the day-to-day implementation of those parts of the policy.

A consultation on the subject of mandatory disability awareness training has recently been carried out, this was widely circulated to licensed drivers and operators, the public, day centres, disability groups etc. A report will be presented to the Regulatory Committee on 4 January 2023 to allow Councilors to consider the matter and decide on whether to make it a mandatory requirement for drivers and operators to have disability awareness training.

This screening assessment was referred to the Equality Group for challenge on 21 November 2022.

Date completed: 23/11/22

Sign-off by senior manager:

