

Standing Order 42

Consultation with Appropriate Chairman and Vice-Chairman for Urgent Action to be Taken Under Standing Order 42

To (Chair & Vice Chair):	Chairman – Cllr J Wilson and Vice- Chairman – Cllr Margaret Harnden
Relevant Committee:	Regulatory Committee
Date:	14 July 2023
Report Author:	Robert Smith Senior Licensing Officer
Report Title:	<u>Taxi Driver Disability Awareness Training</u>
SO42 Proforma Number:	1026

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| 1. | <p>Synopsis of report</p> <p>That the Committee consider a further period of time to allow drivers and operators to complete mandatory Disability Awareness Training</p> |
| 2. | <p>Reasons why this matter cannot wait for a Committee Decision.</p> <p>The relevant period of time would have passed by if we waited till the next Committee.</p> |
| 3. | <p>Recommendation(s)</p> <p>That Councillors approve an extended period of time to complete the training and support for drivers who wish to complete the training but lack suitable literacy or IT skills.</p> |
| 4. | <p>Context of report</p> <p>This report relates to the decision made by the Committee on 4 January 2023 making Disability Awareness Training a mandatory requirement for taxi drivers and operators. This was in response to the new legal responsibilities and duties imposed on taxi drivers and operators by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.</p> |

5. Report and, where applicable, options considered

New applicants for a taxi driver or operator's licence in Runnymede must carry out Disability Awareness Training as part of the application process and for existing taxi drivers and operators an online course costing around £40 must be completed.

It was decided at the Committee meeting of 4 January 2023 that they should be allowed until 15 July 2023 to get the training done, this was considered a sufficient period of time.

All drivers and operators were advised of the requirement initially and they have been subsequently reminded of the requirement.

Runnymede Borough Council licence 89 taxi drivers and 22 operators, 23 drivers and 5 operators have still to complete this training, although 2 drivers and 2 operators have training booked in the coming days. Of those who have not done the training, 7 do not have a vehicle licenced and are not working as drivers, it is unlikely they will complete the training.

The Council could consider taking action against those who have not done the training in the form of suspending their drivers or operator's licence. However, it would be seen as perhaps being overzealous and a warning and extension of time would in all probability allow most to get it done.

To allow a greater number of drivers and operators to complete the training, the Senior Licensing Officer proposes that a further 6 weeks be offered to complete the training, i.e., it must be completed by 26 August 2023.

Due the number of drivers and operators still to complete the training, a large number of suspensions may have a marked effect on the provision of taxis for the public in the borough and Surrey County Council school run contracts which may cause a significant impact to residents and businesses. This is particularly true of those with disabilities.

We are keen to avoid suspending licences wherever possible but there does have to be a cut of point.

Officers had considered a change of policy to allow drivers/operators to continue until they renew their licenses, however they must have carried out the training as a condition of renewal. The problem with this approach is that we have drivers who have 2 or even 3 years to run on their licence (longer for some operators), which is a considerable time to be working without this knowledge and that puts both drivers/operators and the public at a disadvantage.

Should this extension be agreed the licensing team would closely monitor the progress and encourage drivers and operators in the strongest possible terms to complete it. During this extended period officers would work with them to ensure they completed the course as soon as possible. This would include providing facilities and assistance at the Civic Offices should that be required, for example for those small number of drivers with dyslexia or limited access to IT or limited IT experience.

At the end of this extended period officers would be confident that only very few active drivers would still not have completed the training. We would be in position where we could consider suspension of a licence, being confident that we had allowed extra time, offered assistance and given due warning of suspension. In any appeal by a suspended driver this would be looked upon favourably.

6. Policy framework implications

Runnymede's Hackney Carriage and Private Hire Licensing Policy states at Part 5.73d All new and existing drivers and operators must carry out a disability awareness training course by a provider approved by the Council and provide the Council with proof of training. For those existing licence holders this must be completed by 15 July 2023, a licence may be refused, suspended, or revoked if this training is not carried out. For new driver and operator applicants this must be carried out before a licence is granted. A licence will not be granted if applicants have not carried out this training.

Should this extended period of time be approved the above date would be amended to 9 September 2023. (was 26 August 2023)

Financial and Resource implications (where practicable)

There are no financial implications.

8. Legal implications

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).

The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 legislated for the addition duties for taxi drivers and operators. These being:

1. To carry the passenger.
2. If the passenger is in or has with them a wheelchair, to carry the wheelchair.
3. If the passenger has with them any mobility aids, to carry the mobility aids.
4. To take such steps, are reasonable to ensure that the passenger is carried in safety and reasonable comfort.
5. To give the passenger such mobility assistance* as is reasonably required.
6. Not to make, or to propose to make, any additional charge for complying with these duties.
7. 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.
8. Operators of private hire vehicles 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 subject to a relevant duty commit an offence under the revised legislation

9. Equality implications

Due the number of drivers and operators still to complete the Disability Awareness training , it may have a marked effect on the provision of taxis for the public in the borough which may cause significant impact to service users.

10. Other implications (Environmental/Biodiversity/Sustainability must be addressed)

Nil

11. Background papers

Hackney Carriage and Private Hire Licensing Policy 2020 to 2023

<https://www.runnymede.gov.uk/article/14534/-Hackney-Carriage-and-Private-Hire-Licensing-Policy>

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/guidance/access-to-taxis-and-private-hire-vehicles-for-disabled-users)

Equality Act 2010

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

[Councillor Handbook](#)

[Councillor Handbook: Taxi and PHV Licensing | Local Government Association](#)

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

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

12. **Chief Officer(s) Decision**

Signature of authorised officer

I have been consulted and am in agreement with the above

Signature(s) and position(s) of
other relevant Chief Officer, Corporate Heads or authorised representatives

..... [Redacted] [Redacted]

NB: this must include the Assistant Chief Executive or his authorised representative where the decision involves expenditure, loss of income, or future implications for budget or financial forecast.

13. **Chief Executive's Decision**

Signature of Chief Executive ...

[Redacted]

I have been consulted and am in agreement with the above

14. **Chairman and Vice-Chairman Comments**

I concur in the Chief Officer's decision

Signed

[Redacted]

Date

18-7-23 amended date 19-7-23

Signed

[Redacted]

Date

19/7/23

I have the following further comments:

The completed copy is to be returned by the Councillors to the Corporate Head of Law and Governance (Democratic Services) who will send a copy to the Chief Officer and report to the relevant Committee for information.