

 Licensing and Regulatory Committee December 2014		Agenda Item No. 10
Title	Hackney Carriage and Private Hire Drivers who have failed to undertake the Disability Awareness Training in accordance with the Licence conditions.	
For further information about this report please contact	Marianne Rolfe, Regulatory Manager Tel:01926 456320 Email: marianne.rolfe@warwickdc.gov.uk	
Wards of the District directly affected		
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	Yes/No If yes state why	
Date and meeting when issue was last considered and relevant minute number		
Background Papers		

Contrary to the policy framework:	Yes/No
Contrary to the budgetary framework:	Yes/No
Key Decision?	Yes/No
Included within the Forward Plan? (If yes include reference number)	Yes/No
Equality Impact Assessment Undertaken	Yes/No (If No state why below)

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service		Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		Michael Coker
Consultation & Community Engagement		
Insert details of any consultation undertaken or proposed to be undertaken with regard to this report.		
Final Decision?		Yes/No
Suggested next steps (if not final decision please set out below)		
This is a report for the information and awareness of the committee. Although recommendation to support the change in application process requires a decision.		



1. **Summary**

- 1.1 A number of drivers have not undertaken their Disability Awareness Training course in accordance with the requirements of their licence despite numerous attempts/ courses offered by officers and the training providers.

2. **Recommendation**

- 2.1 That the committee are aware of the delegated authority to officers of the power to refuse applications of persons who have not attended or refuse to attend the Disability Awareness Course as required by application for their driver's licence.
- 2.2 That the committee are aware that this will mean an increase in drivers who are being heard by the committee who have had their applications for licence renewal refused as they have not attended the Disability Awareness course within the period required period.
- 2.3 That the committee take a tough line with these drivers in order to demonstrate that importance it which Warwick District Councils views discriminating against disabled people.
- 2.4 That the committee agree the change in application procedure to ensure that drivers must take the Disability Awareness Course before a Hackney Carriage and Private Hire Driver Licence is issued.

3. **Reasons for the Recommendation**

- 3.1 Drivers licenced by Warwick District council to drive hackney carriage and private hire vehicles are required to take the nominated disability awareness course run by the guide Dogs for the Blind in Leamington Spa.
- 3.2 This course must be undertaken within 12 months of receiving their licence. Currently we have:
- 54 drivers who have not attended the course.
 - 35 drivers who have not attended the course within 12 months.
 - 3 of those drivers have not undertaken the course in 36+ months of their last licence application. (Their licences are due to expire)
 - 7 of those drivers have not undertaken the course in 24-36 months of their last licence application.
 - 15 of those drivers have not undertaken the course in 12-24 months of their last licence application.
 - 16 drivers who have not completed the course within 3-7 years. (up to 3 rounds of applications processes)
- 3.3 That these drivers choosing to ignore the requirement which is part of the application process of their licence and importance in ensuring a suitable standard of service delivery to all persons using taxis.

- 3.4 Officers have delegated authority to refuse the applications of those persons who refuse to attend or do not attend a Disability Awareness Course within 12 months of their licence. This is not an delegated authority officers have used before but as demonstrated by the figures above it is an authority which requires applying.
- 3.5 Officers have to repeatedly chase licenced drivers with letters and telephone calls to inform them of their required attendance at the disability awareness course. Ensuring that the course must be taken prior to the issue of a licence would reduce officer work load, prevent confusion that may be caused by the granting of a licence without attendance at the course and ensure that all of the drivers are 'fit and proper'.

4. **Policy Framework**

- 4.2 **Fit for the Future** – the use of the graduated enforcement against drivers who are failing to meet the conditions of their licence or the requirements of the applications process. Refusing the licences of those who do not attend or refuse to attend the Disability Awareness Course and changing the policy to ensure that the drivers meet the requirements of the application process ensures that the process is fit for the future, allows clearer understanding of what is required by the applicants and ensure the safety of the residents, visitors and workers of Warwick District.
- 4.3 **Impact Assessments** – The actions described within this report will ensure that all of the licenced drivers have the necessary skills and awareness required to enable them to deal with all types of disabilities and the challenges that they may pose for both the driver and the passenger.

5. **Budgetary Framework**

- 5.1 No impact.

6. **Risks**

- 6.1 The current situation provides for a number of risks. Firstly that driver's may refuse journeys due to a lack of confidence in dealing with the particular challenges posed by a passenger with disabilities. This is not acceptable under the terms of the Hackney Carriage Licences or indeed does not demonstrate that Warwick District Council is working towards good practise identified by the Disability Discrimination Act.
- 6.2 That drivers without the skills provided by this course could in correctly restrain wheel chair a wheelchair causing injuries to passenger in the event of an accident.

7. **Alternative Option(s) considered**

- 7.1 That the committee requires all of the drivers who have failed to meet the requirement of the licence application process to appear before them, to hear their reasons for not attending. The committee can then take the required actions based upon the presented mitigation at that time.

7.2 That the application process remains unchanged and applicants continue to have 12 months after the issue of their licence to undertake the Disability Awareness Course.

8. **Background**

8.1 The Disability Discrimination Act makes it unlawful for organisations which provide services to the public to discriminate against disabled people in the way they provide those services. This is much more than simply refusing or neglecting to provide a service, organisations must make reasonable adjustments to remove or overcome elements in the services which present barriers to disabled people. All transport providers have duties under Part 3 of the DDA 1995.

8.2 As of December 2006 transport operators have duties in relation to the provision and use of vehicles they provide. Generally these do not require alterations to vehicles but they do require operators to make responsible adjustments in the way that they deliver the services, to remove barriers to disabled passengers.

8.3 In order to both show compliance and good practise with the Disability Discrimination Act from early 2007 all drivers are required to attend a Disability Awareness Course as part of their application process.

8.4 The requirement for a driver to attend the Disability Awareness Course is outlined in the requirements for all new applicants: 'all drivers must have taken within 12 months of obtaining a licence from the council, a course on disability awareness, nominated by the council and paid for directly by the applicant'. This is described in the Guidance Notes and Conditions for Hackney Carriages and Private Hire Owners, Operators and Drivers. This document is published on the council website.

8.5 Whilst this is not directly a condition upon their licence it is part of the application process and therefore part of establishing if an applicant is 'fit and proper'.

8.6 The Council has nominated the Guide Dogs for the Blind in Leamington Spa to deliver the Disability Awareness Course. The course covers:

- Wheelchair Users
- Ambulant Disabled
- Visually Impaired passengers
- Hearing Impaired passengers

8.7 The wheelchair section of the Disability Awareness Course specifically includes how to correctly strap a wheelchair in to a vehicle. This is very important as incorrect fitting of the wheelchair can result in fatal injuries during road traffic accidents.

- 8.8 In 2009 an inquest into the death of a 14 year old girl who had been traveling in a taxi found that her fatal injuries were directly attributable to the methodology used to restraint and load the wheelchair in the taxi. i.e side on positioning of the wheelchair and lack of restrains used.
- 8.9 Officers of Warwick District Council continue to see poor practises identified in the inquest. At the fleet inspection day on the 17th September 2014 a driver's ability to restrain a wheelchair was tested. Those drivers with the disability awareness training were able to correctly restrain a wheelchair. However those without demonstrated the following practises:
- Facing the wheelchair to the side of the vehicle
 - Lack of/incorrect/inadequate restraints i.e. bungee cords
- 8.10 At the last Disability Awareness Course only 15 drivers attended out of 69 who were invited. Of those drivers 14 rated the course as 'excellent' and 1 as 'good'.
- 8.11 The feedback comments from the course included:
- I don't feel that there is any room for improvement
 - I particularly enjoyed the 'true and false' session. I think an upgrade to the wheelchair used would make it better.
 - I will communicate more with customers.
 - The training was superb.
 - Thank you. The course has been educational to our industry.
 - I'm more aware of disabled people after this training.
 - The blindfold section highlights how someone with visual impairment may feel.
 - I had a wheelchair customer I could not help properly – now I can.
 - Everybody should do this course.
- 8.12 Before the Guide Dogs send out the notification of the date of the next Disability Awareness course, Officers write to each of the drivers who have not attended the disability awareness course to advise them:
- that have not attended the disability awareness course,
 - that they are required to do so
 - therefore they will be receiving a letter from the Guide Dogs regarding an available course.
- 8.13 The last two letters sent to the drivers from officers regarding the last two courses have advised that failure will be viewed seriously and result in disciplinary action being taken against them. This resulted in 15/69 drivers attending the course in November 2014 and 9/78 drivers in July 2014.
- 8.14 The Guide Dogs Association write to each of the drivers and advise them of the date of the next course. Officers provide the Guide Dogs with the list of drivers who have not attended the course according to our records.
- 8.15 The Guide Dogs have run 8 courses since 2011. The dates of which have been:

- 2 in 2011 (2nd March & 16th November)
- 2 in 2012 (27th June & 14th November)
- 1 in 2013 (24th April)
- 3 in 2014 (26th February, 9th July & 5th November)

8.16 Following the course the Guide Dogs provide us with a list of drivers who have attended and we update our records. The guide dogs inform us that maximum attendance has been 24 upon a course.