

2.00pm, Monday, 1 February 2016

## Access to Taxis by Customers using Wheelchairs or Customers accompanied by Assistance Dogs - Update

Item number

Report number

Executive/routine

Wards

Executive

All

### 12. Executive summary

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The Council, as the licensing authority, is fully committed to ensuring that licensed taxis are able to accommodate customers using wheelchairs and that taxi drivers provide reasonable assistance to these customers to access the vehicle.

The Council has previously received a number of complaints concerning the service provided to customers using wheelchairs and this was reported to the Committee on 23 June 2015 when a plan of action was approved to address the concerns identified.

This report provides details of the progress made in respect of the actions arising from the agreed plan.

Additionally, enquiries have been received by the Council from groups representing persons with visual impairment. These enquiries raise concern about the transport of assistance dogs accompanying visually impaired customers using taxis. The report provides information concerning complaints received regarding refusal to transport an assistance dog and the Council's procedure in respect of drivers requiring to be medically exempt from transporting assistance dogs.

## Access to Taxis by Customers using Wheelchairs or Customers accompanied by Assistance Dogs - Update

### 13. Recommendations

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It is recommended that the Regulatory Committee:

- 1.1 notes the contents of this report;
- 1.2 notes the reports to this Committee in respect of Taxi Driver Training and Taxi & Taxi Driver's Licence Conditions;
- 1.3 agrees the proposed actions as set out in paragraph 3.20; and
- 1.4 receives a further update in six months.

### 14. Background

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- 2.1 At present taxis must be readily wheelchair accessible. The current conditions state that the driver of a taxi is required to assist customers using wheelchairs into the taxi, using the ramps if necessary, and ensure that they are properly secured by means of the fixed straps and seatbelts before starting the journey. Prior to the grant of a Taxi Driver's Licence, drivers are required to undertake training on 'Wheelchair Access and Disability Awareness'.
- 2.2 The Council has received a number of complaints from customers using wheelchairs who have been denied taxi travel within the city. These concerns have also been raised by some equalities groups within the city.
- 2.3 In June 2015, the Committee agreed to consult on the development of a fit for purpose training programme that meets the needs of a modern taxi service for the Capital City. It is proposed to introduce a range of measures including refresher training for drivers which will include Passenger Assistance and Disability Awareness. The outcome of the consultation is the subject of a separate report to this Committee.
- 2.4 In June 2015, the Committee approved an action plan (Appendix 1) to address the concerns identified through the investigation of complaints regarding access to and use of taxis by wheelchair users.
- 2.5 This report gives details of the progress of the actions taken to address the issues. The report does not deal with any aspect of the licensing of private hire cars (PHCs) or their drivers because the type of vehicles permitted are not normally capable of being wheelchair accessible. There are a small number of PHCs capable of carrying a wheelchair and these are subject to specific Council conditions.

- 2.6 During August and September 2015, Freedom of Information requests were received from groups representing persons with visual impairment asking for information regarding complaints concerning licensed hire car drivers refusing to transport assistance dogs in breach of their licence conditions. Only one such complaint has been received in the past three years however, these inquiries revealed a perceived anxiety concerning the matter within those groups.

## **15. Main report**

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- 3.1 The Council is fully committed to ensuring that all taxi services are fully accessible. Licensing conditions require taxis to be wheelchair accessible. This means that all taxis must be fitted with ramps and other fittings to secure a wheelchair, and that these must be in good working order at all times. Doors must be wide enough to allow a wheelchair to be accommodated with fixtures in place to allow the wheelchair to be safely anchored within the vehicle.
- 3.2 Drivers are required to assist customers using wheelchairs and secure wheelchairs in the vehicle. The driver should also facilitate and assist any accompanying carer to use the equipment.
- 3.3 Should a driver have a medical condition that prevents them from assisting wheelchair passengers they can apply to the Council for a Wheelchair Exemption Certificate (WEC). They must provide medical evidence of why they are unfit, which would be in the form of a doctor's letter detailing the reasons why they are unable to assist wheelchair passengers, the nature of the injury/illness and how long they anticipate the incapacity will last.
- 3.4 On receipt of this information the driver will be referred to the Council's medical provider for examination. Once all the relevant information is available a WEC may be granted or refused. The certificate must be displayed in accordance with licence condition 130. This exemption can be reviewed as required, normally based on advice from the medical advisor.
- 3.5 Investigation of complaints received by the Council identified a number of issues which highlighted that a thorough review of the relevant conditions and level of compliance is necessary. An action plan (Appendix 1) detailing how this work would be taken forward was formulated and agreed by the Regulatory Committee on 23 June 2015. The plan proposed a series of actions including:
- raising general awareness of Council policy;
  - holding focus groups with third sector partners and clients;
  - an audit of the wheelchair exemptions;
  - a review of relevant issues as part of the refresh of the taxi driver training programme;
  - analysis of the number of taxis failing their annual test due to lack of wheelchair accessibility; and
  - a campaign of enforcement activity.
- 3.6 In order to raise the profile and awareness of the Council Policy and the relevant licence conditions, letters were sent to the taxi trade via the companies

operating licensed booking offices within the city and the information was cascaded by them to all licence holders operating on their circuits. This was reinforced in discussion between Council officers and individual managers responsible for customer care and standards within the companies.

- 3.7 Discussions have been held with representatives from the Edinburgh taxi trade together with London Taxis International Ltd (manufacturers of the TX model London Taxi) regarding perceived issues concerning the loading and unloading of wheelchairs, in particular electrically operated chairs, and information concerning best practice has been circulated to the trade.
- 3.8 All licence holders who have a medical wheelchair exemption certificate are now required to attend for a medical examination by the Council's health service provider when renewing their Taxi Driver's Licence, at which point the exemption is reviewed.
- 3.9 There are currently 62 Wheelchair Exemption Certificates in effect which are considered to be permanent, subject to medical review, together with a fluctuating number of exemptions of varying tenure determined by medical condition. There are over 3,000 licensed taxi drivers.
- 3.10 A review of the training requirement in respect of taxi drivers has been carried out and is the subject of a separate report to this Committee.
- 3.11 A review of the conditions relating to taxi and taxi drivers' licences has also been carried out and will be the subject of a separate report to this Committee. Proposals include additional conditions in respect of licence holders' responsibility to ensure functionality of equipment and licence holder compliance with the relevant conditions in respect of passengers using wheelchairs.
- 3.12 An enforcement campaign was implemented between July and October 2015. Between these dates, Taxi Examination Centre inspectors carried out routine roadside enforcement on eight occasions when 174 taxis were examined and of these 8 (5%) were found to have defects in respect of the wheelchair ramps.
- 3.13 Additionally, in September 2015, in a joint enforcement campaign to ensure full wheelchair accessibility, Council Enforcement Officers carried out spot checks on taxis with the Cab Inspector. These checks included checks on the display of any certificate of exemption. During this exercise 20 taxis were checked and nine were found to be in breach of the licence conditions in relation to wheelchair accessibility. The most prevalent fault was the straps, needed to secure a wheelchair, were missing from the vehicle.
- 3.14 In all cases above, where defects were found which could not be remedied immediately, the vehicles were 'red labelled' and put out of service until compliance with all conditions was met.
- 3.15 Taxis presented for an annual test at the Taxi Examination Centre, which fail on any aspect of the wheelchair accessibility equipment are 'red labelled' in terms of the

licence conditions and cannot operate as a taxi until the faults are remedied. Analysis of the number of taxis failing the annual test at renewal of the licence is not available as it has not previously been specifically recorded however the Taxi Examination Centre now records this information for future reference.

- 3.16 On a related disability access issue, during August and September 2015, Freedom of Information requests were received from groups representing persons with visual impairment, asking for information regarding complaints concerning licensed hire car drivers refusing to transport assistance dogs, in breach of their licence conditions. Only one such complaint has been received by the Council in the past three years however, these inquiries revealed a concern about the matter within those groups. The relevant information was released to the groups together with details of the Council's procedures in respect of Exemption Certificates for licence holders with a medical condition which required restriction of contact with dogs and details of the Council's complaints procedure and disciplinary process, in circumstances where a breach of licence conditions occurs.
- 3.17 The licence conditions, in respect of both taxi drivers and private hire car drivers, require the drivers to carry assistance dogs accompanying persons with a disability. Where there are medical grounds which prevent a driver from carrying an assistance dog they can apply to the Council for an Exemption Certificate. These are mandatory conditions of licence for both taxi and private hire drivers in terms of The Private Hire Car Drivers' Licences ( Carrying of Guide Dogs and Hearing Dogs) ( Scotland ) Regulations 2004. Drivers must provide medical evidence of why they are unfit, which would be in the form of a doctor's letter detailing the reasons why they are unable to carry assistance dogs, the nature of the condition and how long they expect it will last.
- 3.18 On receipt of this information the driver will be referred to the Council's medical provider for examination. Once all the relevant information is available an Exemption Certificate may be granted or refused. Only once such an exemption certificate is issued to the driver are they exempt from carrying assistance dogs. The certificate must be displayed in accordance with the relevant conditions. This exemption can be reviewed, as required, normally based on advice from the medical advisor.
- 3.19 In relation to wheelchair accessibility and assistance dogs the following future action is proposed:
- that the enforcement campaign is continued during both annual vehicle inspections and roadside enforcement checks by Council vehicle examiners and that relevant information is collated to measure compliance;
  - the Complaints Officer will continue to investigate reports of breach of licence conditions, referring licence holders to the Licensing Sub-Committee, where appropriate, for consideration of suspension of licence;
  - a tender is issued for a contract for test purchasing exercises and procurement of a service provider or providers deploying a customer using a

- wheelchair and requiring assistance to access a taxi, and a customer accompanied by an assistance dog, and reporting thereon; and
  - holding focus groups with third sector partners and clients.
- 3.20 A further report updating Committee on these actions will be presented in November 2016.
- 3.21 In September 2015 the Committee agreed to carry out full consultation on the licence conditions since they were last amended, to reflect current practice and legislative changes (including requirements introduced by the Equality Act 2010). The outcome of this consultation will be the subject of a separate report to this Committee.

## **16. Measures of success**

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- 4.1 That taxis and hire cars continue to be licensed appropriately and the Council discharges its statutory duties.
- 4.2 That there is appropriate access to taxis for passengers requiring wheelchair assistance and passengers travelling with assistance dogs.

## **17. Financial impact**

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- 5.1 There is no direct financial impact on the Council. All costs are contained within existing budgets.

## **18. Risk, policy, compliance and governance impact**

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- 6.1 Prior to the grant of a medical Exemption Certificate in respect of loading passengers using wheelchairs or conveying passengers accompanied by assistance dogs, taxi drivers must provide medical evidence of why they are unable to do so from their own doctor. The driver would then be referred to the Council's medical provider for examination. Should the committee refuse to grant an Exemption Certificate this could be going against medical advice.
- 6.2 Should the Committee decide not to grant an application for a medical exemption, the applicant may appeal against the decision to the Sheriff Court within 28 days of the date of the decision.
- 6.3 The Council has a number of contracts with service providers that rely on the availability of transport for disabled or elderly persons. Any change to policy could have a direct impact on this provision.

## **19. Equalities impact**

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- 7.1 The Committee has to ensure that any policy decisions on this topic do not have an adverse effect on the availability of transport for disabled or elderly persons. However, it is also important that all passengers are transported safely and additionally, the Committee must balance these rights against the rights and wellbeing of taxi drivers.

- 7.2 Steps to ensure the adequate transport of disabled passengers are directly relevant to the public sector general equality duty. Any change which may be recommended in future will require a full Equalities and Rights Impact Assessment.

## 20. Sustainability impact

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- 8.1 There is no environmental impact arising from the contents of this report.

## 21. Consultation and engagement

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- 9.1 Any change requires consultation prior to implementation. Full consultation will be undertaken, and will involve licence holders, disability groups and interested members of the public.

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## 22.

## 23. Links

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<b>Coalition pledges</b>	P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
<b>Council outcomes</b>	CO8 - Edinburgh's economy creates and sustains job opportunities
<b>Single Outcome Agreement</b>	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
<b>Appendices</b>	Appendix 1 – Action Plan

## Appendix 1

### Action Plan (Approved 23 June 2015)

Action	Description	Timescales
1. Issue press statement	<p>Draft press statement which covers main points of conditions and commits to a public review of the situation</p> <p>Encourage affected customers to come forward by providing information concerning the complaints process to equalities and disability groups via press statements and during focus group meetings (see 4 below).</p>	<p>Complete</p> <p>31 March 2016</p>
2. Raising general awareness of council policy	Letter to all drivers and operators and engage with main operators at a meeting to discuss Council's view on current conditions and standard of conduct.	Complete
3. Arrange focus groups with 3 <sup>rd</sup> sector partners and clients	<p>Sessions to receive feedback on the access to taxis which would inform items 4 and 5 below.</p> <p>e.g. ECAS</p>	31 March 2016
4. Audit Number of wheelchair exemptions in existence	<p>Number, on average how long they are in effect.</p> <p>Review existing policy and practice for issuing medical exemption certificates</p> <p>Consider tightening of policy to make more robust and transparent. Possible review of long term certificate.</p> <p>Report to Regulatory Committee as required.</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p> <p>Report attached</p>



5. Review relevant issues as part of the refresh of the Taxi Driver training programme	Included within current workplan.	Ongoing. This is subject of a separate report to this Committee.
6. Analysis of number of taxis failing annual test due to lack of wheelchair accessibility	Paper examination of records to see if any evidence of problem.	Complete
7. Campaign of Enforcement Activity	<ul style="list-style-type: none"> <li>a) Spot checks taxis in operations (Any found not to be fully serviceable re accessibility will be put off road).</li> <li>b) Check on display of certificates (Any found not found to be displaying certificates will firstly receive a written warning and thereafter be reported to committee)</li> <li>c) Consider feasibility of test purchase to test drivers particularly out of hours.</li> </ul>	<p>Campaign June and July 2015</p> <p>Results attached in report.</p> <p>To be taken forward in 2016. See para. 3.</p>