

Public Document Pack

Southend-on-Sea Borough Council

Legal & Democratic Services

Strategic Director: John Williams

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11 October 2019

Dear Councillor

LICENSING COMMITTEE - THURSDAY, 17TH OCTOBER, 2019

Please find enclosed, for consideration at the next meeting of the Licensing Committee taking place on Thursday, 17th October, 2019, the following report(s) that were unavailable when the agenda was printed.

Agenda No	Item
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- | | |
|-----------|--|
| 4. | Review of Fares and Charges (Pages 1 - 18)
Report of Deputy Chief Executive (Place) |
| 5. | Medical Exemptions and Access for Wheelchair Users (Pages 19 - 38)
Report of Deputy Chief Executive (lace) |

Yours sincerely

Tim Row
Principal Democratic Services Officer

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Southend-on-Sea Borough Council

**Report of Deputy Chief Executive for Place
To**

Licensing Committee

On

17 October 2019

Report prepared by: Elizabeth Georgeou Group Manager
Regulatory Services

**Agenda
Item No.
4**

Review of Fares and Charges

Licensing Committee Chair: Councillor Helen MacDonald

A Part 1 Public Agenda item.

1. Purpose of Report

- 1.1 Members are invited to consider the results of the consultation with the Southend Licensed Taxi Drivers Association (SLTDA) for an increase in the Hackney Carriage and Private Hire Vehicle fares and charges and other associated amendments.

2. Recommendation

- 2.1 **That any changes to the fare and extra charges structure be duly advertised, implementing the public consultation process. Any appeals will be heard by the Licensing Committee**
- 2.1 **To approve the revised fare chart set out at Appendix 1 subject to consideration of any objections to the statutory advertisement of the proposals by the Licensing Committee.**

3. Background

- 3.1 The Council is empowered to determine fares for Hackney Carriages. In addition, all those private hire vehicles which are equipped with a meter must also apply the same fares. Revision to the fares must be advertised before any revision comes into effect.
- 3.2 Members agreed at Licensing Committee on 21 October 2014 (Minute 308) that proposals for Hackney Carriage / Private Hire fare increases be considered at Licensing Committee. (Appendix 2)
- 3.3. The application for a fare increase proposed by the SLTDA reflected the agreed methodology, apart from changes to the Boxing Day tariff. (Appendix 3 & 4)
- 3.5 The Licensing Committee authorised the consultation with Southend-on-Sea Borough Council licenced taxi and private hire drivers on the options presented to the Licensing Committee on 26 June 2019 (Minute 101) (Appendix 5).
- 3.6 The consultation with Southend-on-Sea licensed taxi and private hire drivers took place between 6th August and 7th September (Appendix 6). The outcome of the consultation was that:
- 30 pence to be added to the yardage of the fare tariff (currently 203.83 & 152.93 yards respectively), changing the yardage to 186 and 142 yards respectively

and

- the Boxing Day rate remains at double the normal unsocial hours charge currently at £8.00 with 40 pence increments to stay the same from 00.00am to 06.00am. The charge from 06.00 am on 26th December to 6.00 am on 27th December to be reduced to the day charge currently at £3.00 plus an additional £2.00 with 30 pence increments on the yardage.

The calculated increase of 30p on the yardage will result in an increase to approximately £6.50 for the two mile fare instead of £6.20. The meter increases in 20p increments so the charge to the customer would be either £6.40 or £6.60 depending if the journey is under or over 2 miles. This would put Southend on Sea Borough Council in position 69 to 74 inclusive of the Private Hire and Taxi Monthly publication published June 2019 (Appendix 7) in line with the methodology agreed with the SLTDA (Appendix 3).

There is no change to the day rate or the unsocial hours rate.

- 3.7** The last increase in fares was agreed in September 2015. Using the Bank of England tool for predicting inflation on goods and services it calculates the average inflation rate as being 2.9% a year. The increase proposed is lower when compared to this rate.

4. Corporate Implications

4.1 Contribution to the Southend 2050 Road Map

The Council's outcome delivery plan is to be Connected and Smart and intends to establish joined up transport across the town. The provision of a viable taxi and hire car service is supported by the Council's transport strategy.

The taxi and private hire service contributes to the Safe and Well outcome. The availability of these services across the town may improve the feeling of safety for individuals using the night time economy, enabling people to leave the area in a managed way. It also supports access to services for those who are unable to take public transport and are unable to drive.

4.2 Financial Implications

None, this is not a charge that Southend Borough applies to licensed drivers, this is the fare that drivers charge to customers.

4.3 Legal Implications

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 details the process for fixing of fares, which will be followed.

If no objections are made within the period specified in the notice, or if all objections made are withdrawn, the table of fares will come into operation on the date of the expiration of the period specified in the notice or the date the last objection is withdrawn, whichever date is the later.

If objection/s are made within the period specified in the notice, and are not withdrawn a further date shall be set, which must be not later than 2 months after the first specified date, on which the fares come into force with or without modifications as decided by the Council after the Council has considered any objections.

4.4 People Implications

None

6.5 Property Implications

None

6.6 Consultation

All licensed drivers were written to inviting them to participate in the consultation, which was accessible through the Council consultation pages via a link to provided to them, and took place between 6th August and 7th September 2019. (Appendix 6) 129 drivers responded to the consultation. To ensure that only one vote was registered for each driver, voting drivers submitted badge numbers and checks were undertaken to ensure all those that voted were licensed drivers and therefore eligible to do so.

The four options, and question regarding the Boxing Day rate, agreed for consultation at the Licensing Committee on 26 June 2019 were put to the drivers.

The outcome is detailed in section 3.6 and illustrated in Appendix 6.

6.7 Equalities and Diversity Implications

An Equalities Assessment has been undertaken and will be reassessed if there are responses to the statutory consultation. There may be an adverse impact on those who use licenced taxi and private hire services because of the increase in cost. However, the increase in fares is lower than the rate of inflation and represents the first increase since 2015.

6.8 Risk Assessment

The increase in fares may deter users from using licenced taxi and private hire services. This is balanced against the increase being below inflation and supporting the viability of a licenced hackney carriage and private hire service.

6.9 Value for Money

Not applicable

6.10 Community Safety Implications

Providing a licenced taxi and private hire service supports safe egress from town centres.

6.11 Environmental Impact

None

7. Background Papers

None

8. Appendices

Appendix 1 - Revised Fare Chart

Appendix 2 - Licensing Committee on 21 October 2014 (Minute 308)

Appendix 3 - Application by SLTDA

Appendix 4 – SLTDA calculations for proposal

Appendix 5 - Licensing Committee 26 June 2019 (Minute 101)

Appendix 6 - Consultation results with licenced taxi and private hire drivers

Appendix 7 - Private Hire and Taxi Monthly publication published June 2019

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Authorised Fares

Standard Rates

£3.00	For the first 1/4 mile or the first 2 minutes (or a combination of parts of such distance or time)
20p	For each additional 186 yards or 48 seconds (or a combination of parts of such distance or time) until a fare of £8.40 is shown on the taxi meter
20p	For each additional 142 yards or 36 seconds (or a combination of parts of such distance or time) when a fare of £8.40 is shown on the taxi meter

NIGHT CHARGE / UNSOCIAL HOURS

For hirings begun between 9pm and midnight and 4am and 6am, also on Sundays, Bank Holidays and Public Holidays between 4am and 6am and midnight, also between 6am and midnight on 1 January until 6am on 2 January, an additional:

£1.00

For hirings from midnight until 4am, and from midnight until 6am Saturdays, Sundays and Bank Holidays Mondays, **except during Christmas and New Year periods an additional:**

£2.00

CHRISTMAS CHARGES

For hirings from midnight 24 December to 06.00am (double the standard rates and unsocial hours rate)

£8.00

For hirings on Boxing Day from 06.00am to 06.00am on 27 December plus an additional 10p on the Standard Yard Rate :

£5.00

NEW YEAR CHARGES (AN ADDITIONAL)

For hirings from midnight 31 December to 6am 1 January (double standard rates and unsocial hours rate)

£8.00

Extra Charges

1. LUGGAGE

For any luggage carried. No charge for disabled persons wheelchairs, disability aids or any animal transported in the vehicle ("Luggage" is intended as hand luggage, shopping bags, suitcases etc. the driver reserves the right to negotiate an additional charge for larger items up to a maximum of £10.00)

40p
(Max Charge)

2. ADDITIONAL PASSENGERS

For each person in excess of one

Specific requests for the delivery of property left in taxis must be paid for at the metered fare

SOILING CHARGE

A reasonable charge may be levied for restoration costs should you soil or damage this vehicle. The proprietor reserves the right to take civil action where necessary

40p

ANY COMPLAINTS SHOULD BE MADE TO SOUTHEND-ON-SEA BOROUGH COUNCIL, CIVIC CENTRE, VICTORIA AVENUE, SOUTHEND ON SEA, ESSEX SS2 6ZG. THE NUMBER OF THE CAB OR DRIVER SHOULD BE QUOTED.

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Licensing Committee

Tuesday, 21st October, 2014 9.00 am

Place

Civic Centre, Civic Suite, Committee Room

Attendance Details

Item	Description	Resolution
Part I		
306	Apologies and substitutions	Apologies for absence were received from Councillors Borton, Day, Habermel, Robertson, Stafford, Van Looy (no substitutes) and Holland (substitute Cllr Folkard)
307	Declarations of interest	Councillor Ayling - Agenda Item 3 - Review of Methodology for Calculating Hackney Carriage/Private Hire Fare Increases - Non-pecuniary interest - used to be a taxi driver in the borough
308	Review of Methodology for Calculating Hackney Carriage / Private Hire Fare Increases (Attachment 1)Report of Corporate Director for Place (Attachment 2)Appendix 1 (Attachment 3)Appendix 2 Business for item 308	Resolved 1 That the proposed methodology for calculating Hackney Carriage/Private Hire fare increases be approved 2 That the initial proposals for the Hackney Carriage/Private Hire fare increases be considered by the Licensing Committee

09 00am/10 15am

Attendance Details

Present

Councillor McMahon (Chairman)

Councillors Mulroney (Vice-chairman), Ayling, Burling, Butler, Byford, Kenyon and Robinson

In attendance

Mr P Tremayne, Mr C Robinson and Mr R Harris

Business

Business

Item	Business
308	<p>The Committee considered a report of the Corporate Director for Place which sought Members approval for a new method of calculating any Hackney Carriage/Private Hire fare increases</p> <p>Two representatives of the SLTDA attended the meeting to provide a brief overview of the new methodology for calculating fare increases. The Committee asked a number of questions which were responded to by the SLTDA representatives</p> <p>The Committee noted that the Council's legal department would consider any legal implications that might arise from the new methodology in respect of competition law</p>

From: jennings mark [<mailto:mark.jennings@blueyonder.co.uk>]
Sent: 21 June 2019 10:50
To: Elizabeth Georgeou
Cc: Anthony Byrne; Paul Sutton
Subject: Fare increase proposal

Hi Lizzy

As per the fare tables emailed to you on the 13th June 19

Please could you put these tables forward as the increase the trade would like under the agreed formula.

Kind Regards

Mark Jennings (Secretary, Southend Licensed Taxi Drivers Association)

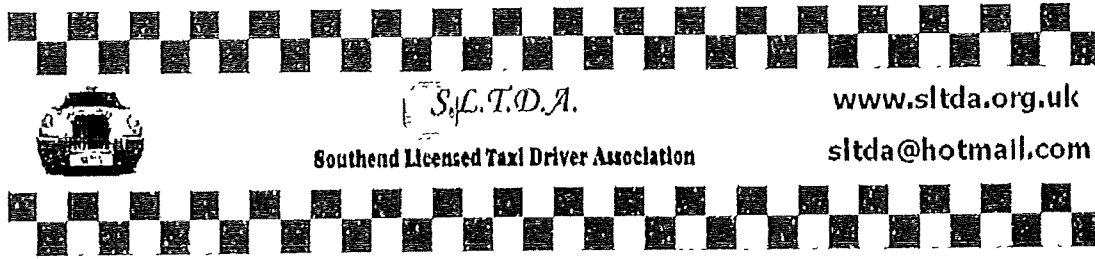
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Dear Mr Robinson

As discussed at our consultation meeting on the 25th March 2014, I am writing this proposal for a new formula to calculate future fares for the taxi trade in the Southend on sea borough.

We propose that the current pick up formula be replaced with this:-

In the Private hire and Taxi monthly magazine there is a table of all 377 boroughs of England's Taxi fares, these are collated by the National Private Hire Association, which are then published by the magazine.

As you can see from the tables attached, as of February this year we are currently 110th in the table.

Historically we have been as high as No 60 and past years have seen us languishing around the middle of the table, we feel that due to the geographical locality of our borough, especially in relation to London, we need to be back at No 60. This is due to factors which include the high cost of living in this area, the high running costs of maintenance, insurance, fuel and the price of car parts in the south of England.

If you care to benchmark our borough you will see that Rochford, Castle point, Brentwood & Chelmsford (at No 62) are all in front of us, with Thurrock, Braintree and Basildon a little way behind.

Where you are on the table is determined by how much your meter reads at the point of 2 miles, currently ours reads £6.00. This figure is the cost of the average taxi journey in England.

We feel that we don't want to go any higher than No 60, as this would be too high for the users of taxis in our borough.

We propose that we take the figure that at No 60, currently £6.20, and adjust our meters accordingly to reach that figure. This can be done by either adding the figure to the face of the meter, currently £2.80, making it £3.00, or reducing the yardage until the new figure is reached, or a combination of both.

Then we would not start the process again until we dropped below 100 in the table. The reason for this is that again historically the difference between 60 and 100 is approximately 20 pence, and it takes approximately 2 years to drop to No 100 from No 60

current fares		last increase 2014																		
		drop	£ 3 00		3089 79	£ 5 80		5790 71	£ 8 60											
	203 83 yard	440	£ 3 20		3293 62	£ 6 00		5943 64	£ 8 80										4 miles = £10 20	
	152 93 yard	643 83	£ 3 40	2 mile	3497 45	£ 6 20		6096 57	£ 9 00										5 miles = £12.50	
		847 66	£ 3 60		3701 28	£ 6 40		6249 5	£ 9 20										6 miles = £14 80	
		1051.49	£ 3 80		3905 11	£ 6 60		6402 43	£ 9 40										7 miles = £16 90	
		1255 32	£ 4 00		4108 94	£ 6.80		6555 36	£ 9 60										8 miles = £19 40	
		1459 15	£ 4 20		4312 77	£ 7 00		6708 29	£ 9 80										9 miles = £21 60	
	1 mile	1662 98	£ 4 40		4516 6	£ 7 20		6861 22	£ 10 00										10 miles £24 00	
		1866 81	£ 4 60		4720 43	£ 7 40	4 mile	7014 15	£ 10 20											
		2070 64	£ 4 80		4924 26	£ 7 60		7167 08	£ 10 40											
		2274 47	£ 5 00		5128 09	£ 7 80		7320 01	£ 10 60											
		2478 3	£ 5 20	3 mile	5331 92	£ 8 00		7472 94	£ 10 80											
		2682 13	£ 5 40		5484 85	£ 8 20	2nd tariff	7625 87	£ 11 00											
		2885 96	£ 5 60		5637 78	£ 8 40		7778 8	£ 11 20											
30p on face		drop	£ 3 30		3089 79	£ 6 10		5790 71	£ 8 90											
	203 83 yard	440	£ 3 50		3293 62	£ 6 30		5943 64	£ 9 10										4 miles = £10 50	
	152 93 yard	643 83	£ 3 70	2 mile	3497 45	£ 6 50		6096 57	£ 9 30										5 miles = £12 70	
		847 66	£ 3 90		3701 28	£ 6 70		6249 5	£ 9 50										6 miles = £15 10	
		1051 49	£ 4 10		3905 11	£ 6 90		6402 43	£ 9 70										7 miles = £17 20	
		1255 32	£ 4 30		4108 94	£ 7 10		6555 36	£ 9 90										8 miles = £19.70	
		1459 15	£ 4 50		4312 77	£ 7 30		6708 29	£ 10 10										9 miles = £22 00	
	1 mile	1662 98	£ 4 70		4516 6	£ 7 50		6861 22	£ 10 30										10 miles £24 30	
		1866 81	£ 4 90		4720 43	£ 7 70	4 mile	7014 15	£ 10 50											
		2070 64	£ 5 10		4924 26	£ 7 90		7167 08	£ 10 70											
		2274 47	£ 5 30	3 mile	5128 09	£ 8 10		7320 01	£ 10 90											
		2478 3	£ 5 50		5331 92	£ 8 30		7472 94	£ 11 10											
		2682 13	£ 5 70		5484 85	£ 8 50	2nd tariff	7625 87	£ 11 30											
		2885 96	£ 5 90		5637 78	£ 8 70		7778 8	£ 11 50											

20p on face		on this tarriff the increase % yardage at 2 miles is 1 61% and I've applied the same formula at 10 miles to the nearest 20p																									
10p on yardage		drop	£ 3 20		3040	£ 6 00		5740	£ 8 80		7840	£ 11 60		9940	£ 14 40		12040	£ 17 20		14140	£ 20 00		16240	£ 22 80			
	200 yards	440	£ 3 40		3240	£ 6 20		5890	£ 9 00		7990	£ 11 80		10090	£ 14 60	7 mile	12190	£ 17 40		14290	£ 20 20		16390	£ 23 00			
	150 yards	640	£ 3 60	2 mile	3440	£ 6 40		6040	£ 9 20		8140	£ 12 00		10240	£ 14 80		12340	£ 17 60		14440	£ 20 40		16540	£ 23 20			
		840	£ 3 80		3640	£ 6 60		6190	£ 9 40		8290	£ 12 20		10390	£ 15 00		12490	£ 17 80		14590	£ 20 60		16690	£ 23 40			
		1040	£ 4 00		3840	£ 6 80		6340	£ 9 60		8440	£ 12 40	6 mile	10540	£ 15 20		12640	£ 18 00		14740	£ 20 80		16840	£ 23 60			
		1240	£ 4 20		4040	£ 7 00		6490	£ 9 80		8590	£ 12 60		10690	£ 15 40		12790	£ 18 20		14890	£ 21 00		16990	£ 23 80			
		1440	£ 4 40		4240	£ 7 20		6640	£ 10 00	5 mile	8740	£ 12 80		10840	£ 15 60		12940	£ 18 40		15040	£ 21 20		17140	£ 24 00			
	1 mile	1640	£ 4 60		4440	£ 7 40		6790	£ 10 20		8890	£ 13 00		10990	£ 15 80		13090	£ 18 60		15190	£ 21 40		17290	£ 24.20			
		1840	£ 4 80		4640	£ 7 60	4 mile	6940	£ 10 40		9040	£ 13 20		11140	£ 16.00		13240	£ 18 80		15340	£ 21 60		17440	£ 24 40			
		2040	£ 5 00		4840	£ 7 80		7090	£ 10 60		9190	£ 13 40		11290	£ 16 20		13390	£ 19 00		15490	£ 21 80	10 mile	17590	£ 24 60			
		2240	£ 5 20		5040	£ 8 00		7240	£ 10 80		9340	£ 13 60		11440	£ 16 40		13540	£ 19 20		15640	£ 22 00		17740	£ 24 80			
		2440	£ 5 40	3 mile	5240	£ 8 20		7390	£ 11 00		9490	£ 13 80		11590	£ 16 60		13690	£ 19 40	9 mile	15790	£ 22 20		17890	£ 25 00			
		2640	£ 5 60		5440	£ 8 40	2nd tariff	7540	£ 11 20		9640	£ 14 00		11740	£ 16 80		13840	£ 19 60		15940	£ 22 40						
		2840	£ 5.80		5590	£ 8 60		7690	£ 11 40		9790	£ 14 20		11890	£ 17 00	8 mile	13990	£ 19 80		16090	£ 22 60						

[illegible]

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Committee

Date: Wednesday, 26th June, 2019

Place: Darwin Room - Tickfield

Present: Councillor H McDonald (Chair)
Councillors B Ayling (Vice-Chair), M Dent, N Folkard, D Garston,
S Habermel, D McGlone, K Mitchell, I Shead, A Thompson and
N Ward

In Attendance: E Georgeou, E Anakwue, A Penn, M Newton, T Byrne and T Row

Start/End Time: 11.15 am - 12.00 pm

96 Apologies for Absence

Apologies for absence were received from Councillors Buck, Cowan and Dear (no substitutes).

97 Declarations of Interest

The following interests were declared at the meeting.

(a) Councillor McDonald – Agenda Item Nos 4, 5 and 6 – Non-pecuniary interest Supports young and vulnerable people, and

(b) Councillor Mitchell – Agenda Item Nos 4, 5 and 6 – Non-pecuniary interest Works with Essex County Council Education.

98 Minutes of the Meeting held on Tuesday, 10th July, 2018

Resolved -

That the Minutes of the Meeting held on Tuesday 10th July 2019 be received, confirmed as a correct record and signed.

99 Proposal to Amend Conditions In Relation to the Licensing of Taxi Drivers Including Hackney Carriage, Private Hire and Dual Licence Holders

The Committee received a report of the Deputy Chief Executive (Place) concerning an amendment to the licensing conditions in relation to taxi drivers (including hackney carriage, private hire and dual licence holders) to include new conditions requiring new applicants and existing licence holders undergo safeguarding training

The Committee welcomed the proposal but queried whether the training session would cover adult exploitation or whether this would be possible to include this additional requirement The Council's Group Manager Regulatory Services undertook to check the content of the session and would ensure this subject was

included. She also undertook to circulate details of the training provider to the Committee.

The Committee was also assured that a review reporting mechanism would be incorporated to evaluate the impact of the training.

Resolved:-

That all hackney carriage, private hire and dual licence holders be required undergo public safety awareness training through the adoption of the following conditions'

1. The Licensee shall undergo public safety awareness training as required by the Licensing Authority. Such training will be determined by the Licensing Authority and a minimum of 6 weeks' notice of attendance shall be provided to the Licensee.

2. All new applicants shall be required to undergo public safety awareness training, determined by the Licensing Authority, before a licence is issued.

100 Access for wheelchair users to Taxis and Private Hire Vehicles

The Committee received a report of the Deputy Chief Executive (Place) that sought approval to commence consultation on the draft Medical Exemption Criteria for Hackney Carriage and Private Hire Drivers as set out in Appendix 1 to the report. The Exemption Criteria details the process for applying for medical exemptions available to taxi and private hire drivers, which respect to passengers with disabilities under the Equalities Act 2010 'the Act'.

Resolved:-

That the consultation process on the draft Medical Exemption Criteria for Hackney Carriage and Private Hire Drivers and Operators to commence with Southend-on-Sea Borough Council's licenced taxi and private hire trade be authorised.

101 Review of Hackney Carriage Fares and Charges

The Committee considered a report of the Deputy Chief Executive (Place) regarding a request from Southend Licensed Taxi Drivers Association to initiate a consultation with Southend on Sea Borough Council's licenced taxi and private hire drivers on options for an increase in the Hackney Carriage and Private Hire Vehicles fares and charges, as set out in Appendix 1 to the report.

Resolved:-

That the consultation process on four options with respect to fares and charges for Hackney Carriage and Private Hire Vehicles with Southend on Sea Borough Council's licensed hackney carriage and private hire drivers be authorised.

Chair: _____

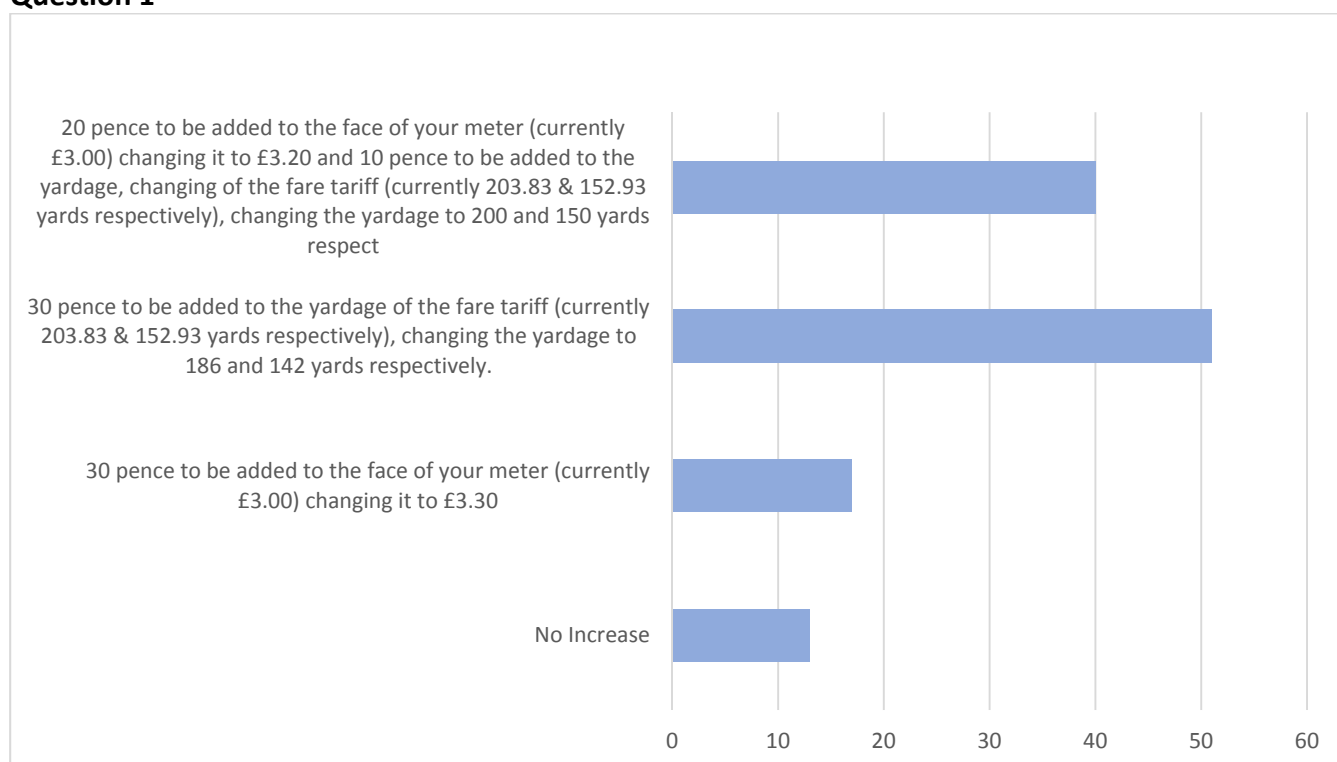
Fare Increase – Southend Taxi & Private Hire Drivers Consultation 2019 – Analysis Report

The Licensing Authority conducted a consultation on behalf of the Southend Licenced Drivers Association who have applied for a fare increase on behalf of Southend Taxi & Private Hire Drivers. A five week consultation/ campaign was launched on the 6th August until 7th September 2019, which included information promoted online and an online survey. This consultation was directed at all Taxi and Private Hire drivers to get their views on the proposals submitted.

The results

A total of 129 drivers accessed and responded to the consultation using the online survey, responding to the questions set in relation to the suggested fare increase.

Question 1

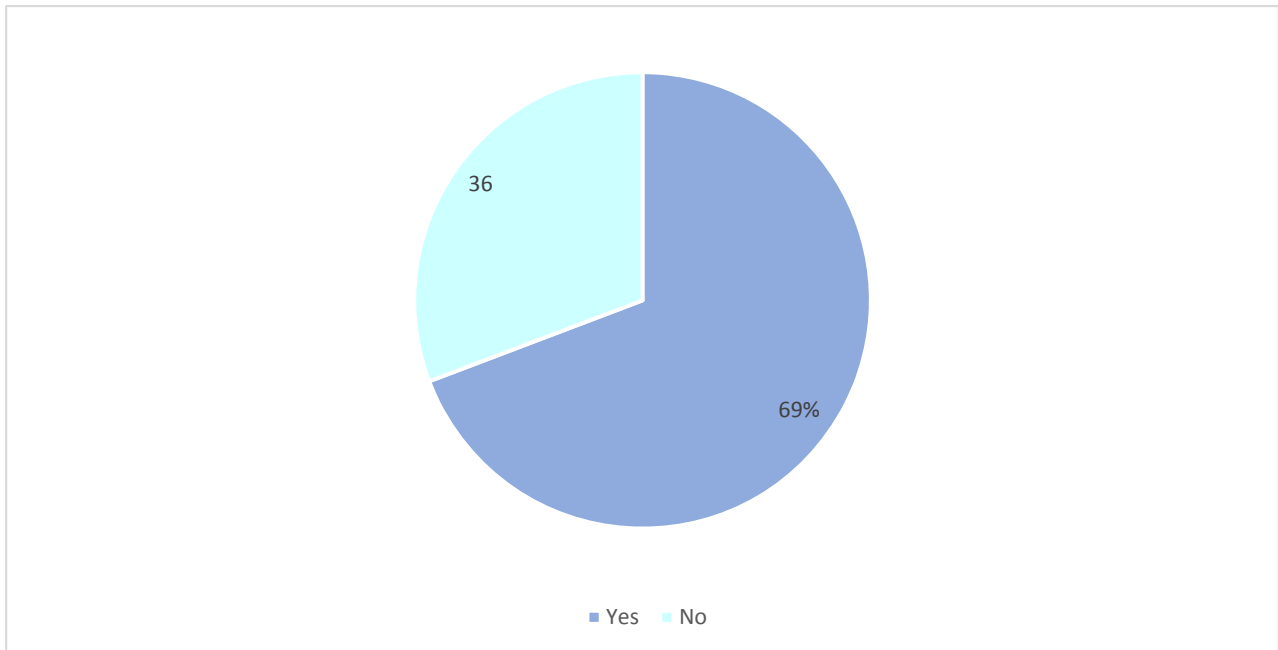


Of those responding 42% agreed with the option of *30 pence to be added to the yardage of the fare tariff (currently 203.83 & 152.93 yards respectively), changing the yardage to 186 and 142 yards respectively.*

With 33% choosing the option of *20 pence to be added to the face of your meter (currently £3.00) changing it to £3.20 and 10 pence to be added to the yardage, changing of the fare tariff (currently 203.83 & 152.93 yards respectively), changing the yardage to 200 and 150 yards respect.*

Question 2

It is proposed that the Boxing Day rate remains at double the normal unsocial hours charge currently at £8.00 with 40 pence increments to stay the same from 00.00am to 06.00am. The charge from 06.00 am on 26th December to 6.00 am on 27th December to be reduced to the day charge currently at £3.00 plus an additional £2.00 with 30 pence increments on the yardage.



69% of those responding agreed with the proposal that Boxing Day rate remains at double the normal unsociable hours.

The Bryan Roland Memorial

NATIONAL HACKNEY FARES TABLE JUNE 2019

TABLE COLOUR CODE

RISE IN 2019
RISE IN 2018
RISE IN 2017
RISE IN 2016
RISE IN 2015
RISE IN 2014
RISE IN 2013
RISE IN 2012
RISE IN 2011
RISE IN 2010
RISE IN 2008
RISE IN 2007
NO SET FARE

TARIFF ONE			TARIFF ONE			TARIFF ONE		
POSITION	COUNCIL	TWO MILE FARE	POSITION	COUNCIL	TWO MILE FARE	POSITION	COUNCIL	TWO MILE FARE
1	LONDON (HEATHROW)	£10.60	66	SOUTH GLOUCESTER	£6.60	131	CLACKMANNAN	£6.10
2	LUTON AIRPORT	£9.20	67	WAVENEY	£6.60	132	EAST HERTS	£6.10
3	WATFORD	£8.40	68	NORTH DEVON	£6.55	133	ELMBRIDGE	£6.10
4	EPSOM & EWELL	£7.80	69	ASHFORD	£6.50	134	FYLDE	£6.10
5	LONDON	£7.80	70	GLASGOW	£6.50	135	HASTINGS	£6.10
6	BOURNEMOUTH	£7.40	71	MAIDSTONE	£6.50	136	NEW FOREST	£6.10
7	MID SUSSEX	£7.40	72	SOUTH CAMBRIDGE	£6.50	137	NORTH WARWICK	£6.10
8	CARRICK	£7.30	73	SOUTH SOMERSET	£6.50	138	TAMWORTH	£6.10
9	READING	£7.20	74	WORTHING	£6.50	139	SELBY	£6.06
10	TUNBRIDGE WELLS	£7.20	75	BRISTOL	£6.40	140	CHARNWOOD	£6.05
11	JERSEY	£7.19	76	COUNTY OF HEREFORD	£6.40	141	SHEPHERD ISLES	£6.05
12	DARTFORD	£7.10	77	CREWE & NANTWICH	£6.40	142	ABERDEENSHIRE	£6.00
13	MOLE VALLEY	£7.10	78	EAST HAMPSHIRE	£6.40	143	BASILDON	£6.00
14	PENWITH	£7.10	79	HARLOW	£6.40	144	BOSTON	£6.00
15	SEVENOAKS	£7.06	80	LEEDS	£6.40	145	BRACKNELL FOREST	£6.00
16	EAST LOTHIAN	£7.00	81	MALVERN HILLS	£6.40	146	BROXTOWE	£6.00
17	HERTSMERE	£7.00	82	OXFORD	£6.40	147	CANTERBURY	£6.00
18	POOLE	£7.00	83	PURBECK	£6.40	148	CARMARTHENSHIRE	£6.00
19	STROUD	£7.00	84	RUSHMOOR	£6.40	149	CASTLE POINT	£6.00
20	TONBRIDGE & MALLING	£7.00	85	SHEFFIELD	£6.40	150	DOVER	£6.00
21	WILTSHIRE	£7.00	86	SOUTH LAKELAND	£6.40	151	EAST LINDSEY	£6.00
22	RESTORMEL	£6.95	87	STEVENAGE	£6.40	152	GLOUCESTER	£6.00
23	HARROGATE	£6.90	88	SURREY HEATH	£6.40	153	GREAT YARMOUTH	£6.00
24	VALE OF WHITE HORSE	£6.90	89	TENDRING	£6.40	154	KETTERING	£6.00
25	WEALDON	£6.90	90	WOKING	£6.40	155	LUTON	£6.00
26	WEYMOUTH & PORTLAND	£6.90	91	WOKINGHAM	£6.40	156	MILTON KEYNES	£6.00
27	ADUR	£6.80	92	TORBAY	£6.39	157	NORTH DORSET	£6.00
28	BATH & NORTH EAST SOMERSET	£6.80	93	EDINBURGH	£6.35	158	PLYMOUTH	£6.00
29	BRIGHTON & HOVE	£6.80	94	COVENTRY	£6.30	159	PRESTON	£6.00
30	CARADON	£6.80	95	DACORUM	£6.30	160	SLOUGH	£6.00
31	CHELTHENHAM	£6.80	96	EAST DEVON	£6.30	161	SOUTH HAMS	£6.00
32	CHRISTCHURCH	£6.80	97	ISLE OF MAN	£6.30	162	STOCKPORT	£6.00
33	COLCHESTER	£6.80	98	LEWES	£6.30	163	TAMESIDE	£6.00
34	GUERNSEY	£6.80	99	FOREST OF DEAN	£6.27	164	TEST VALLEY (x)	£6.00
35	GUILDFORD	£6.80	100	MIDLOTHIAN	£6.22	165	THREE RIVERS	£6.00
36	HART	£6.80	101	ARGYLL & BUTE	£6.20	166	THURROCK	£6.00
37	NORTH CORNWALL	£6.80	102	BIRMINGHAM	£6.20	167	VALE OF GLAMORGAN	£6.00
38	NOTTINGHAM	£6.80	103	BRAINTREE	£6.20	168	WARWICK	£6.00
39	SWALE	£6.80	104	CHICHESTER	£6.20	169	WEST DORSET	£6.00
40	WEST BERKSHIRE	£6.80	105	DAVENTRY	£6.20	170	WEST LINDSEY	£6.00
41	YORK	£6.80	106	DERBY	£6.20	171	WIRRAL	£6.00
42	KERRIER	£6.75	107	EAST CAMBRIDGESHIRE	£6.20	172	DARLINGTON	£5.95
43	NUNEATON & BEDWORTH	£6.75	108	HORSHAM	£6.20	173	BABERGH	£5.90
44	CHELMSFORD	£6.70	109	IPSWICH	£6.20	174	BASSETLAW	£5.90
45	CHESTER	£6.70	110	LINCOLN	£6.20	175	BROXBORNE	£5.90
46	EASTLEIGH	£6.70	111	MENDIP	£6.20	176	DUDLEY	£5.90
47	GRAVESHAM	£6.70	112	NORTHAMPTON	£6.20	177	DURHAM COUNTY COUNCIL	£5.90
48	ROTHER	£6.70	113	PORTSMOUTH UA	£6.20	178	MANCHESTER	£5.90
49	SWINDON	£6.70	114	ROCHFORD	£6.20	179	NORTHUMBERLAND	£5.90
50	HARBOROUGH	£6.68	115	RUNNYMEDE	£6.20	180	SOUTH AYRSHIRE	£5.90
51	TORRIDGE	£6.62	116	SEDGEMOOR	£6.20	181	TANDBRIDGE	£5.90
52	ARUN	£6.60	117	FOLKESTONE & HYTHE	£6.20	182	WALSALL	£5.90
53	BASINGSTOKE & DEANE	£6.60	118	SOLIHULL	£6.20	183	CALDERDALE	£5.85
54	BRENTWOOD	£6.60	119	SOUTHAMPTON	£6.20	184	SCOTTISH BORDERS	£5.85
55	CRAWLEY	£6.60	120	SOUTHEND ON SEA	£6.20	185	TEWKSBURY	£5.85
56	CAMBRIDGE CITY	£6.60	121	SPELTORNE	£6.20	186	BLACKPOOL	£5.80
57	EAST DORSET	£6.60	122	ST ALBANS	£6.20	187	BRIDGEND	£5.80
58	EXETER	£6.60	123	STRATFORD ON AVON	£6.20	188	BROMSGROVE	£5.80
59	FIFE	£6.60	124	TAUNTON DEANE	£6.20	189	CARLISLE	£5.80
60	HIGH PEAK	£6.60	125	TEIGNBRIDGE	£6.20	190	EAST KILBRIDE	£5.80
61	MEDWAY	£6.60	126	WAVERLEY	£6.20	191	FAREHAM	£5.80
62	MORAY	£6.60	127	WEST OXFORD	£6.20	192	HAVANT	£5.80
63	NORTH HERTS	£6.60	128	WINCHESTER	£6.20	193	HIGHLAND	£5.80
64	NORWICH	£6.60	129	CENTRAL BEDFORDSHIRE	£6.13	194	LEICESTER	£5.80
65	SCARBOROUGH	£6.60	130	CARDIFF	£6.10	195	NEWCASTLE-UPON-TYNE	£5.80

FARE ONE	TWO MILE FARE	POSITION	TARIFF ONE COUNCIL	TWO MILE FARE	POSITION	TARIFF ONE COUNCIL	TWO MILE FARE
LEICESTERSHIRE	£5.80	261	OLDHAM	£5.50	326	NORTH EAST DERBYSHIRE	£5.00
DERBYSHIRE	£5.80	262	SHROPSHIRE	£5.50	327	NORTH LANARKSHIRE	£5.00
GLoucestershire	£5.80	263	STAFFORD	£5.50	328	PETERBOROUGH	£5.00
WILTSHIRE	£5.80	264	TORFAEN	£5.50	329	ROSSENDALE	£5.00
WILTSHIRE	£5.80	265	CEREDIGION	£5.46	330	SOUTH NORTHANTS	£5.00
WILTSHIRE	£5.80	266	SALFORD	£5.46	331	STOKE-ON-TRENT UA	£4.95
WILTSHIRE	£5.80	267	ALLERDALE	£5.45	332	CHORLEY	£4.90
WILTSHIRE	£5.80	268	BARROW IN FURNESS	£5.44	333	CORBY	£4.90
WILTSHIRE	£5.80	269	CAERPHILLY	£5.40	334	FLINTSHIRE	£4.90
WILTSHIRE	£5.80	270	CHILTERN	£5.40	335	TELFORD & WREKIN	£4.90
WILTSHIRE	£5.80	271	DUNBARTON & VALE OF LEVEN	£5.40	336	WELLINGBOROUGH	£4.90
WILTSHIRE	£5.80	272	KINGSTON-UPON-HULL	£5.40	337	WESTERN ISLES	£4.85
WILTSHIRE	£5.80	273	MACCLESFIELD	£5.40	338	ASHFIELD	£4.80
WILTSHIRE	£5.80	274	MID SUFFOLK	£5.40	339	DERBYSHIRE DALES	£4.80
WILTSHIRE	£5.80	275	NEWARK & SHERWOOD	£5.40	340	HAMILTON	£4.80
WILTSHIRE	£5.80	276	NORTHERN IRELAND	£5.40	341	MANSFIELD	£4.80
WILTSHIRE	£5.76	277	PEMBROKESHIRE	£5.40	342	ROCHDALE	£4.80
WILTSHIRE	£5.75	278	PERTH & KINROSS	£5.40	343	BLACKBURN	£4.70
WILTSHIRE	£5.75	279	POWYS	£5.40	344	HYNDBURN	£4.70
WILTSHIRE	£5.75	280	ROTHERHAM	£5.40	345	WEST LANCASHIRE	£4.70
WILTSHIRE	£5.75	281	THANET	£5.40	346	BOLSOVER	£4.60
WILTSHIRE	£5.70	282	WYCHAVON	£5.40	347	WAKEFIELD	£4.60
WILTSHIRE	£5.70	283	COTSWOLD	£5.35	348	BURNLEY	£4.50
WILTSHIRE	£5.70	284	EAST DUNBARTONSHIRE	£5.34	349	HARTLEPOOL	£4.50
WILTSHIRE	£5.70	285	BARNESLEY	£5.30	350	KNOWSLEY	£4.50
WILTSHIRE	£5.70	286	BLABY	£5.30	351	MERTHYR TYDFIL	£4.50
WILTSHIRE	£5.70	287	BRADFORD	£5.30	352	REDCAR & CLEVELAND	£4.50
WILTSHIRE	£5.70	288	CRAVEN (x)	£5.30	353	STOCKTON ON TEES	£4.50
WILTSHIRE	£5.70	289	EAST RENFREW	£5.30	354	OADBY & WIGSTON	£4.40
WILTSHIRE	£5.70	290	FENLAND (x)	£5.30	355	PENDLE	£4.40
WILTSHIRE	£5.70	291	LICHFIELD	£5.30	356	AYLESBURY VALE	£4.30
WILTSHIRE	£5.70	292	MELTON	£5.30	357	MIDDLESBROUGH	£4.30
WILTSHIRE	£5.70	293	REDDITCH	£5.30	358	NEWCASTLE-UNDER-LYME	£4.20
WILTSHIRE	£5.66	294	RIBBLE VALLEY	£5.30	359	MALDON	£
WILTSHIRE	£5.60	295	SOUTH KESTVEN	£5.30	360	RUTLAND	£
WILTSHIRE	£5.60	296	VALE ROYAL	£5.30	361	SOUTH DERBYSHIRE	£
WILTSHIRE	£5.60	297	WIGAN	£5.30	362	SOUTH OXFORDSHIRE	£
WILTSHIRE	£5.60	298	WYRE FOREST	£5.30			
WILTSHIRE	£5.60	299	BEDFORD	£5.26			
WILTSHIRE	£5.60	300	BURY	£5.24			
WILTSHIRE	£5.60	301	AMBER VALLEY	£5.20			
WILTSHIRE	£5.60	302	BLAENAU GWENT	£5.20			
WILTSHIRE	£5.60	303	BOLTON	£5.20			
WILTSHIRE	£5.60	304	CLYDEBANK	£5.20			
WILTSHIRE	£5.60	305	CONWY	£5.20			
WILTSHIRE	£5.60	306	EAST RIDING	£5.20			
WILTSHIRE	£5.60	307	ELLESMERE PORT	£5.20			
WILTSHIRE	£5.60	308	HALTON	£5.20			
WILTSHIRE	£5.60	309	INVERCLYDE	£5.20			
WILTSHIRE	£5.60	310	RHONDDA CYNON TAF	£5.20			
WILTSHIRE	£5.60	311	SOUTH LANARKSHIRE (Clydesdale)	£5.20			
WILTSHIRE	£5.60	312	SOUTH TYNESIDE	£5.20			
WILTSHIRE	£5.60	313	STAFFS MOORLANDS	£5.20			
WILTSHIRE	£5.60	314	WARRINGTON	£5.20			
WILTSHIRE	£5.56	315	CONGLETON	£5.10			
WILTSHIRE	£5.50	316	GATESHEAD	£5.10			
WILTSHIRE	£5.50	317	NORTH AYRSHIRE	£5.10			
WILTSHIRE	£5.50	318	SEFTON	£5.10			
WILTSHIRE	£5.50	319	SOUTH STAFFORDSHIRE	£5.10			
WILTSHIRE	£5.50	320	ST HELENS	£5.10			
WILTSHIRE	£5.50	321	SOUTH HOLLAND	£5.05			
WILTSHIRE	£5.50	322	COPELAND	£5.00			
WILTSHIRE	£5.50	323	EAST NORTHANTS	£5.00			
WILTSHIRE	£5.50	324	KIRKLEES	£5.00			

TABLE
COLOUR CODE

RISE IN 2019
RISE IN 2018
RISE IN 2017
RISE IN 2016
RISE IN 2015
RISE IN 2014
RISE IN 2013
RISE IN 2012
RISE IN 2011
RISE IN 2010
RISE IN 2008
RISE IN 2007
NO SET FARE

Councils 359-362 do not impose a tariff for their hackney carriages and instead the individual vehicle charges an agreed fare prior to the journey.

NATIONAL AVERAGE
TWO MILE HACKNEY FARE
TARIFF ONE
IS NOW £5.89

PLEASE NOTE

The eagle-eyed amongst you might have noticed that there is no symbol for a fare rise in 2009, this isn't a typo it's just that no councils had a last fare rise in this year.

Where an (x) appears by a listing, it refers to the fact that a fare update has been passed by the council, but the price of our two-mile fare has not increased.

The Bryan Roland Memorial
NATIONAL HACKNEY FARES TABLE JUNE 2019

Southend-on-Sea Borough Council

**Report of Deputy Chief Executive for Place
To
Licensing Committee
On 17 October 2019**

**Agenda
Item No.
5**

Report prepared by: Elizabeth Georgeou Group Manager

Medical Exemptions and Access for wheelchair users of Taxis and Private Hire Vehicles

Chair of Licensing Committee: Councillor Helen McDonald

A Part 1 Public Agenda item.

1. Purpose of Report

To request that the Committee agree to the adoption of the Medical Exemption Criteria for Hackney Carriage and Private Hire Drivers and Operators (Appendix 1). The Exemption Criteria details the process for applying for medical exemptions available to taxi and private hire drivers and, with respect to passengers with disabilities under the Equalities Act 2010 'the Act'.

2. Recommendation

The Committee adopts the Medical Exemption Criteria for Hackney Carriage and Private Hire Drivers and Operators.

The Council publishes a list of vehicles which have been 'designated' as wheelchair accessible and that the list is published on the Council's website.

3. Background

The Department for Transport issued Statutory Guidance on Access for wheelchair users to Taxis and Private Hire Vehicles in 2017 under Section 167(6) of 'the Act'. The guidance was issued to assist the local authority in implementing the legal provisions of Section 167 of 'The Act', enabling the Local Authority to make a list of wheelchair accessible vehicles ("designated vehicles").

As part of the process, detailed in the Statutory Guidance, on 26 June 2019 the Licensing Committee authorised the consultation on the draft policy on the Medical Exemption Criteria for the carrying both wheelchairs and assistance dogs. (Appendix 2) The outcome of the consultation is detailed in Section 4.6 (Appendix 3).

The Statutory Guidance also requires that all drivers and / or owners of vehicles that the Council has 'designated' as wheelchair accessible be contacted to advise that they will be listed on the Council's website.

4. Corporate Implications

4.1 Contribution to the Southend 2050 Road Map

Contributes to the Connected and Smart, Safe and Well and Active and Involved 2050 outcomes. The publication of the list of 'designated vehicles' for passengers wanting to either travel in their wheelchair, or to travel with their wheelchair

increases the transparency of the transport options in the Borough for those requiring wheelchair accessible vehicles. The adoption of a medical exemption policy is part of the process of ensuring that taxi and private hire vehicles are accessible to all members of the community and people are not excluded from particular modes of transport. The transparency in process aims to enable access to activities and services.

The medical exemptions available for drivers, and how this is conveyed to passengers, improves transparency and provides information to passengers.

4.2 Financial Implications

The annual licence fees form part of the overall budget for the Council; however fee levels do not form part of this report. Fees are set at a level which covers the cost of administering the system without making a profit.

4.3 Legal Implications

Section 167 of The Equality Act 2010 allows the Council to publish a list of “designated vehicles” for wheelchair accessible vehicles. The Department for Transport Statutory Guidance on Access for wheelchair users to Taxis and Private Hire Vehicles in 2017 details how the Council should implement the requirements.

It is not a legal requirement to list all wheelchair accessible vehicles on the Council’s website, but this is recommended in the statutory guidance.

4.4 People Implications

None

4.5 Property Implications

None

4.6 Consultation

The consultation ran from 6th August to 30th September 2019 through the Council’s website. All licenced drivers and Operators were invited to participate in the consultation. Community groups, disability groups and other interested parties were invited to participate in the consultation. Only 14 people accessed the consultation, the responses are attached (Appendix 3), and includes the Council’s proposed actions arising from these responses.

4.7 Equalities and Diversity Implications

Completed and indicates the publication of wheelchair accessible vehicles and a transparent medical exemption policy are likely to have a positive impact on older people and those with a disability. .

4.8 Risk Assessment

That the Council does not provide the transparency of the availability of facilities for transporting those requiring assisted transport.

4.9 Value for Money

Not applicable

4.10 Community Safety Implications

The adoption of medical exemptions and the publication of wheelchair accessible vehicles provides transparency for users and for those providing taxi and private hire services.

4.11 Environmental Impact

None

5. Background Papers

1. The Department for Transport Statutory Guidance on Access for wheelchair users to Taxis and Private Hire Vehicles in 2017

6. Appendices

Appendix 1: Medical Exemption Criteria for Hackney Carriage and Private Hire

Appendix 2: Licensing Committee 26 June 2019

Appendix 3: Consultation Responses and Proposed Actions

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Medical Exemption Criteria for Drivers

of Taxi and Private Hire Vehicles and Operators of Private Hire Vehicles



October 2019

1 Requirements for Drivers of Designated Wheelchair Accessible Vehicles

- 1.1 The criteria applies to all drivers who possess a current hackney carriage, private hire or dual hackney carriage driver's licence issued by Southend-on-Sea Borough Council.
- 1.2 The criteria applies where a licensed driver is unable to fulfil the requirements placed upon them under the Equalities Act 2010 ('The Act') with respect to the carriage of passengers in wheelchairs as a result of their physical conditions or for medical reasons.
- 1.3 Section 165 of 'The Act' places certain duties on drivers of designated wheelchair accessible hackney carriage and private hire vehicles. Those duties include:
 - To carry the passenger while in the wheelchair;
 - Not to make any additional charges for doing so;
 - Should the passenger choose to sit in a passenger seat, to carry their wheelchair;
 - To take such necessary steps to ensure that the passenger is carried safely and reasonable comfort; and
 - To give the passenger such mobility assistance as is reasonably required.
- 1.4 Under section 165 of 'The Act' it is an offence for a driver of a designated wheelchair accessible hackney carriage or private hire vehicle to refuse to carry a passenger in a wheelchair in the circumstances defined in section 1.3 above.
- 1.5 Section 165 (7) of 'The Act' states:
'A driver of a designated taxi or designated private hire vehicle commits an offence by failing to comply with the duty imposed on the driver by this section'
- 1.6 Section 166 of 'The Act' allows the Council to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply.
- 1.7 Section 169(9) states:
'It is a defence for person charged with the offence to show that at the time of the alleged offence
 - a) The vehicle conformed to the accessibility requirements which applied to it, but*
 - b) It would not have been possible for the wheelchair to be carried safely in the vehicle'*
- 1.8 Failure to comply with Section 165 of 'The Act' could result in formal action, including prosecution having regard to the Regulatory Services Enforcement Policy.

2 Requirements for Assistance Dogs in Vehicles

- 2.1 This criteria applies to all drivers who possess a current hackney carriage, private hire or dual hackney carriage drivers licence issued by Southend-on-Sea Borough Council.
- 2.2 This criteria applies to all Operators who are licenced by Southend-on-Sea Borough Council.
- 2.3 The criteria applies where a licensed driver is unable to fulfil the requirements placed upon them under the Equalities Act 2010 with respect to the carriage of assistance dogs for medical reasons.
- 2.4 Section 168 and 170 of 'The Act' places certain duties on Operators of private hire vehicles and drivers of taxi and private hire vehicles with respect to the carriage of assistance dogs. Those duties include:
 - Operators of private hire vehicles to accept a booking for a vehicle to carry an assistance dog where an assistance dog is accompanying a disabled person;
 - Drivers of private hire vehicles and taxis to accept a booking for a vehicle to carry an assistance dog where an assistance dog is accompanying a disabled person;
 - Not to make any additional charges for doing so;
- 2.5 It is an offence under section 168 and 170 of 'The Act' to refuse to carry an assistance dog accompanying a disabled person as defined in section 2.3 above.
- 2.6 Section 169 and 171 of 'The Act' allows the Council to exempt drivers from the duties under sections 168 and 170 where it is appropriate to do so, on medical grounds.
- 2.7 Section 169 states:

'The driver of a taxi is exempt from the duties imposed by section 168 and 170 if-

 - (a) An exemption certificate issued to the driver is in force with respect to the taxi, and*
 - (b) The prescribed notice of the exemption is exhibited on the taxi in the prescribed manner.*
- 2.8 Failure to comply with Section 168 and 170 of 'The Act' could result in formal action, including prosecution having regard to the Regulatory Services Enforcement Policy.

3. Medical Exemptions

- 3.1 In some circumstances the driver of a hackney carriage or private hire vehicles which have been designated may be unable to fulfil the requirements of 'The Act' for medical reasons, short or long term.
- 3.2 Section 166 of 'The Act' allows the Council to grant an exemption to drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.
- 3.3 There are no exemptions, medical or otherwise, for a hackney carriage or private hire driver in respect of conveying a reasonable quantity of luggage or providing reasonable assistance in the loading or unloading of luggage.
- 3.4 Section 169 and 171 of 'The Act' allows the Council to grant an exemption to drivers from the duty to carry an assistance dog where they are satisfied that it is appropriate to do so, on medical grounds.
- 3.5 Drivers considering applying for an exemption in relation to section 165 (carriage of passengers in wheelchairs) may wish to first determine whether the vehicle they drive (or may drive in the future) has been designated as wheelchair accessible.
- 3.6 To check which vehicles have been designated as wheelchair accessible please refer to the published list on the Council's website.
- 3.7 The licenced driver must obtain and supply a letter from their own General Practitioner (GP) explaining to the Council what duties the driver:
 - Cannot undertake;
 - Why the duties cannot be undertaken ; and
 - For how long the duties cannot be undertaken.
- 3.8 The letter provided by the GP must be submitted to Southend-on-Sea Borough Council's Licensing Team and accompanied by the Council's application for medical exemption form. There is no fee attached to this process. However, the cost (if any) of obtaining a letter from the driver's GP must be paid for by the applicant.
- 3.9 If the driver's GP letter states that the driver is unable to fulfil their duties under 'The Act' Section detailed in Sections 1 and 2 for a specified period of time (up to a maximum of three months), a Temporary Exemption Notice will be issued by the Council with an expiry date in line with the information provided in the GP's letter. If the applicant's GP does not specify a period of time then the authority will reject the application.
- 3.10 The application will be rejected if the GPs letter is not clear or is ambiguous in any way or lacks sufficient detail to enable an appropriate decision to be made.

- 3.11 A Notice will be issued for display in the Driver's designated vehicle, which must be returned to the Council within 7 days of the expiration of the Temporary Exemption Notice.
- 3.12 If the Temporary Exemption Notice is not returned to the Council within the specified period, the driver's licence could be suspended until such time as the Notice is returned. Any failure to return the Temporary Exemption Notice within the specified period will be considered in line with the Council's Regulatory Services Enforcement Policy.
- 3.13 If the Exemption Notice is displayed beyond its expiry date, or after the driver is assessed as being fit to work, action may be considered in line with the Council's Regulatory Services Enforcement Policy.
- 3.14 If it is expected that the Temporary Exemption Notice needs to be extended beyond the period of three months, then prior to the expiry date of the notice the driver must contact the Council to discuss the next steps and timescales. The Council may arrange for a referral to the Council's approved medical practitioner for a 'statement of fitness on the applicant's capability to undertake the duties in terms of their medical grounds and / or physical condition.
- 3.15 If at any point in the process it is proposed that the driver will be permanently unfit to carry out the duties under section 165, 168 and 170 of 'The Act' then the driver will be required to make an appointment with the Council's approved medical practitioner to present the report from their own GP and to undergo an examination / consultation where the practitioner will complete the 'Statement of Fitness' on the applicant's capability to undertake the duties in terms of their medical grounds and / or physical condition.
- 3.16 The following outcomes of the examination / consultation with the approved medical practitioner may be recorded:
- Fit for work
 - Fit with reasonable adjustments (specified). It is anticipated that the reasonable adjustments will allow the driver to return to full duties within three months.
 - Temporarily or permanently unfit to carry assistance dogs
 - Temporarily unfit to carry passengers in wheelchairs for a length of time determined by the approved practitioner
 - Permanently unfit to carry passengers in wheelchairs. The Notice of Medical Exemption will be issued will include a photograph of the driver who has been granted exemption. The exemption will be reviewed every 5 years.
- 3.17 In all cases a Notice will be issued for display in the vehicle and the register on the Council's website will be updated.
- 3.18 If the driver disagrees with the medical recommendation and subsequent determination by the Council they have the right of appeal to Magistrates Court before the end of a period of 28 days beginning with the date of refusal.

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Committee

Date: Wednesday, 26th June, 2019

Place: Darwin Room - Tickfield

Present: Councillor H McDonald (Chair)
Councillors B Ayling (Vice-Chair), M Dent, N Folkard, D Garston,
S Habermel, D McGlone, K Mitchell, I Shead, A Thompson and
N Ward

In Attendance: E Georgeou, E Anakwue, A Penn, M Newton, T Byrne and T Row

Start/End Time: 11.15 am - 12.00 pm

96 **Apologies for Absence**

Apologies for absence were received from Councillors Buck, Cowan and Dear (no substitutes).

97 **Declarations of Interest**

The following interests were declared at the meeting.

(a) Councillor McDonald – Agenda Item Nos 4, 5 and 6 – Non-pecuniary interest Supports young and vulnerable people, and

(b) Councillor Mitchell – Agenda Item Nos 4, 5 and 6 – Non-pecuniary interest Works with Essex County Council Education.

98 **Minutes of the Meeting held on Tuesday, 10th July, 2018**

Resolved -

That the Minutes of the Meeting held on Tuesday 10th July 2019 be received, confirmed as a correct record and signed.

99 **Proposal to Amend Conditions In Relation to the Licensing of Taxi Drivers Including Hackney Carriage, Private Hire and Dual Licence Holders**

The Committee received a report of the Deputy Chief Executive (Place) concerning an amendment to the licensing conditions in relation to taxi drivers (including hackney carriage, private hire and dual licence holders) to include new conditions requiring new applicants and existing licence holders undergo safeguarding training

The Committee welcomed the proposal but queried whether the training session would cover adult exploitation or whether this would be possible to include this additional requirement. The Council's Group Manager Regulatory Services undertook to check the content of the session and would ensure this subject was

included. She also undertook to circulate details of the training provider to the Committee.

The Committee was also assured that a review reporting mechanism would be incorporated to evaluate the impact of the training.

Resolved:-

That all hackney carriage, private hire and dual licence holders be required undergo public safety awareness training through the adoption of the following conditions:

1. The Licensee shall undergo public safety awareness training as required by the Licensing Authority. Such training will be determined by the Licensing Authority and a minimum of 6 weeks' notice of attendance shall be provided to the Licensee.
2. All new applicants shall be required to undergo public safety awareness training, determined by the Licensing Authority, before a licence is issued.

100 Access for wheelchair users to Taxis and Private Hire Vehicles

The Committee received a report of the Deputy Chief Executive (Place) that sought approval to commence consultation on the draft Medical Exemption Criteria for Hackney Carriage and Private Hire Drivers as set out in Appendix 1 to the report. The Exemption Criteria details the process for applying for medical exemptions available to taxi and private hire drivers, which respect to passengers with disabilities under the Equalities Act 2010 'the Act'.

Resolved:-

That the consultation process on the draft Medical Exemption Criteria for Hackney Carriage and Private Hire Drivers and Operators to commence with Southend-on-Sea Borough Council's licenced taxi and private hire trade be authorised.

101 Review of Hackney Carriage Fares and Charges

The Committee considered a report of the Deputy Chief Executive (Place) regarding a request from Southend Licensed Taxi Drivers Association to initiate a consultation with Southend on Sea Borough Council's licenced taxi and private hire drivers on options for an increase in the Hackney Carriage and Private Hire Vehicles fares and charges, as set out in Appendix 1 to the report.

Resolved:-

That the consultation process on four options with respect to fares and charges for Hackney Carriage and Private Hire Vehicles with Southend on Sea Borough Council's licensed hackney carriage and private hire drivers be authorised.

Chair: _____

Draft Medical Exemptions - Consultation

This consultation ran from 6th August until the 30th September and the questions were available online. Overall 14 people access the consultation, although they did not necessarily leave a comment.

1. Is there any reason why you think the publication of a list of designated Wheelchair Accessible Vehicles will not assist wheelchair users to access a vehicle that can carry a wheelchair?

Comment		Response to Consultation – Actions to be taken
01	No	<p>7 of the 9 respondents did not see any reason why publishing a list of wheelchair accessible vehicles would not assist wheelchair users to access vehicles.</p> <p>Respondent 7 asks why the Council thinks having a list of designated vehicles will assist wheelchair users to access a suitable vehicle. The requirement to publish of a list of designated wheelchair accessible vehicles is contained in statutory guidance and is based on government research.</p> <p>Respondent 9 does not think there is a need to publish a list as they believe that wheelchair accessible vehicles can always be accessible. This is contrary to Respondent 3 who has personal experience of delays in accessing vehicles. Respondent 3 has further suggested that all registered disabled people should be issued with a list of companies purporting to provide access for disabled vehicles. This does not form the requirements of the statutory guidance.</p>
02	No list can make the current drivers of wheelchair cabs accept jobs if they don't want to. You will be giving pointless information.	
03	No on the contrary all registered disabled people should be issued with a list of companies purporting to provide access to disabled vehicles. I, as a disabled vehicle driver with a disabled spouse am frequently disgusted by the waiting times some passengers are enduring despite having made a booking for a wheelchair accessible vehicle, appointments are frequently missed and/or have to be rearranged because a vehicle is (supposedly) not available despite the fact that the vehicles are out there working. A certain amount of this is due to laziness on the part of the drivers and the fact that each job will take longer due to the loading and unloading process resulting in less jobs/takings at the end of the day.	
04	No reason at all	
05	No Reason, drivers will still not do these jobs unless a penalty is introduced if they fail.	
06	No. There should be list of designated vehicles and operators in the public domain.	
07	What a badly worded question. I can't answer it meaningfully without knowing how you think a list of designated vehicles will assist wheelchair users to access a suitable vehicle.	
08	None	
09	Wheelchair taxis can always be accessible via a phone and booked taxi, so I do not think the list required.	

2. Do you think that the issuing of Medical Exemption Certificates will improve transparency in who should carry a wheelchair and an assistance dog?

Comment	
01	Another loaded question. The issuing of certificates might improve transparency but by what means is it intended to improve access to a wheelchair accessible vehicle. What sanctions are you proposing to bring to bear on drivers to compel them to carry a wheelchair or an assistance dog if they do not have an exemption certificate,
02	I think so
03	if they cant do those jobs for medical reasons then displaying the certificate or at least having it to hand would help greatly
04	Medical exemption certificates should only be issued on a temporary basis, should a driver apply for exemption due to medical grounds then this should be reviewed on a regular basis. Any vehicle purporting to be accessible should be ready to accept that type of work, if not the suspension or even removal of the plate should be considered. I believe that regular checks on vehicles listed as disabled accessible should be undertaken to ensure they are carrying out the work for which they are designed.
05	No
06	Yes
07	No I do not
08	Yes, too many drivers make excuses about not taking wheelchairs when they have no valid exemption. As a driver who has driven wheelchair accessible hackney vehicles in the past, I have spoken to many disabled users who complained that drivers refused them by complaining of minor ailments. It is my belief that all wheelchair accessible hackney drivers should be required to perform their duties as required by their license conditions unless they have a medical exemption issued by Southend council clearly displayed, so the user knows there is actually an issue that the driver is dealing with, and not a poor excuse for not wanting to perform the duty of loading and unloading a wheelchair from their vehicle.

The Equalities Act 2010 (the Act) provides the legal basis for taking enforcement action for breaches of the requirements to carry wheelchair users in designated vehicles or assistance dogs. To not carry assistance dogs or carry wheelchairs in designated vehicles would be breach of Southend on Sea Borough Council's licencing conditions.

The legislation allows for exemptions to be issued on medical grounds to enable individuals to continue to work. Medical exemptions will be issued on a temporary basis to facilitate individuals back into work where appropriate. However, the Act provides an exemption for those who are unable to transport assistance dogs on carry wheelchairs on medical grounds.

The publication of the wheelchair accessible vehicles and the provision for medical exemptions where appropriate aims to improve accessibility and transparency for both users and those providing services.

3. Is there any other information that would be helpful to include with the list of designated Wheelchair Accessible Vehicles?

Comment		
01	If this issue includes private hire vehicles too, it would be useful to list if the vehicle is a side or rear loading wheelchair vehicle. Some chairs cannot be easily or safely loaded in a side loading vehicle, but rear loading vehicles are more suitable.	This can be included in the information published on the website.
02	Medical exception should be displayed in vehicle	It is intended that medical exemptions accompany the individuals. We will investigate whether the publications of pictures of the vehicle will assist, or whether an alternative method is better.
03	Name of the operator. No of vehicles they have and actual pictures of the vehicles, Because of different wheelchairs and mobility scooters. People should know that the vehicle they are booking has the enough space and safety requirements to accommodate them.	
04	no because a list is pointless	
05	No	
06	not that I can think of	
07	Power assisted loading, non-power assisted loading i.e. manual via a vehicle ramp	This can be included in the information published on the website.
08	Type of Ramps if the vehicle is rear loading or Side.	This can be included in the information published on the website Comments are noted, consideration to how information to assist wheelchair users will be given.
09	Yes, certain vehicles are suitable for manual wheelchairs others more suited to power chairs. Such information as to the method of loading i.e. side loading/rear loading whether a winch is available for larger passengers and the width of the ramp and whether it is solid construction or 2 separate ramps. These are all questions we regularly get asked generally side loaders have a steeper ramp angle and rear loaders are easier to load in a street with restricted access due to parking where you have to stop in the carriageway to load/unload. Any of this information added to the list will enable the end user to order the vehicle most suited to their needs.	

4. Is there anything else that would be helpful to include in the Policy?

Comment		
01	Any further information added which could benefit the end user would be helpful not all users requirements are the same so the more information available the better the informed decision can be made.	<p>Noted, see section 3 above</p> <p>The process of the adoption of criteria for medical exemption and the publication of wheelchair accessible vehicles supports enforcement activities.</p> <p>See above</p> <p>Not all work that drivers carry out involves transporting wheelchair users. Where complaints are received they will be investigated.</p> <p>See response to No. 4 above.</p> <p>Drivers are given disability training. This training can be reviewed.</p>
02	Enforcement. Making sure the drivers of these vehicles are carrying out the duties and responsibilities of their licenses. Check the vehicles and drivers have the ability and equipment to carry wheelchairs safely. Encourage wheelchair users to report drivers who fail in their responsibility to safely load and carry wheelchair users.	
03	Make sure that the policy is upheld to many WAV do not pick up the disabled make excuses not good enough really	
04	Make the license holder prove they have carried out work that the license was given for eg. Wheelchair.	
05	No	
06	the policy should reflect that if a driver of a WAV is offered a job by an operator or agent, that without reasonable cause or excuse that booking CANNOT be refused, refusal without reasonable cause or excuse, or a pattern of avoidance of picking up wheelchair users, can be construed as neglect of duty to the licence issued to the vehicle and can result in either suspension or revocation of the drivers licence and or vehicle licence.	
07	There should be enough training and knowledge of the driver to carry wheelchair-bound passengers. Kind of training the driver has always given the passenger an additional comfort - that they in safe hands.	

5. Is there anything in the Policy that is unclear?

Comment		
01	Having not seen a full copy of the policy i am unable to answer truthfully.	<p>No action required by the Council</p> <p>The Policy for comment was on the appropriate medical exemptions to carry wheelchair users and assistance dogs, and to publish a list</p>
02	no	
03	Not 100% sure how this we make wheelchair licences do wheelchair work.	
04	Not sure	
05	not to me	
06	The whole policy is unclear unless the policy is just to make a list of vehicles that can and vehicles that cannot.	

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