

**TO: LICENSING AND SAFETY COMMITTEE
7 FEBRUARY 2019**

**DISABILITY AWARENESS TRAINING
(Public Protection Manager)**

1 PURPOSE OF REPORT

- 1.1 This report seeks approval of the Committee to introduce compulsory disability awareness training for all licensed hackney carriage and private hire vehicle drivers.

2 RECOMMENDATIONS

2.1 That the Committee agrees:

- i) to the introduction of mandatory disability awareness training for all hackney carriage and private hire vehicle drivers as well as private hire operators, and**
- ii) that such training shall be carried out by all new licence applicants, by all existing licence holders within a specified period of time, and that refresher training is subsequently carried out on a three yearly basis, and**
- ii) that the trade and the general public be consulted on the content and extent of any training provision prior to implementation.**

3 REASONS FOR RECOMMENDATIONS

- 3.2 The Government's Inclusive Transport Strategy: Achieving Equal Access for Disabled People (July 2018) stresses the importance of the licensed taxi and private hire trade for disabled people, and includes plans for recommendations to local authorities to make disability awareness training a requirement for licensed drivers.
- 3.2 Recent issues reported to the department indicate a need for an increase in the provision of information to the trade.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council could continue to provide guidance and information on disability awareness to licence holders solely via the published guidance notes book and not require attendance at a training session. Evidence from training already provided, e.g. first aid, indicates attending a training session results in greater understanding than from reading information alone.

5 SUPPORTING INFORMATION

- 5.1 The Equality Act 2010 places a duty on the driver of any licensed vehicle to carry the assistance dog of a disabled passenger when required, as well as for the driver of any designated wheelchair accessible licensed vehicle to carry a passenger in their wheelchair. Drivers can be exempted from these requirements on medical grounds. These duties are in addition to section 20 of the Equality Act 2010 which requires all service providers to make reasonable adjustments to enable disabled people to access the service.
- 5.2 Since these provisions in the Equality Act 2010 came into force, the Council has received complaints suggesting that there is a lack of understanding in the trade of

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these duties. This has included allegations that drivers have committed offences by refusing to carry passengers who use wheelchairs.

- 5.3 When an individual applies for a licence they are required to demonstrate that they are a “fit and proper person” to hold a licence. Ensuring that licence holders understand their duties under the Equality Act 2010, both in relation to assistance dogs and wheelchair users, but also the reasonable adjustments required by all businesses and services providers, can be made part of our test of fitness and propriety.
- 5.4 The Local Government Association in their Taxi and PHV licensing Councillors’ handbook (page 31, dated August 2017), call for such training to be a mandatory requirement for all taxi and private hire drivers.
- 5.5 The recommendation is that the Council should introduce a condition requiring compulsory attendance at disability awareness training approved by the Council. The training would include topics such as what is a disability, different types of disability, the legal duties of licence holders, and the importance of the licensed trade for disabled persons. Such knowledge would, it is believed, improve the experience of disabled residents within the borough, as well as visitors to the area.
- 5.6 Information is currently provided to drivers via the guidance notes booklet, including section 26 on guide and assistance dogs, section 27 on carrying disabled passengers, and at appendix B for general advice on dealing with people with disabilities.
- 5.7 Prior to the implementation of any measures, a consultation will be carried out with the general public and the taxi trade. The consultation will examine options for the subject areas, how training could be delivered including costs, and how it would be implemented with both existing licence holders and new applicants. The results of the consultation would be brought back to this Committee with recommendations upon how compulsory disability awareness training could and should be delivered.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the body of the report.

Borough Treasurer

- 6.2 It is intended that the training will be funded through a new charge to be included within the licensing fees.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 The Council has a duty to protect the public. To take no action could be criticised should there be a public enquiry into an incident in Bracknell Forest.

7 CONSULTATION

- 7.1 No process undertaken at the time of writing the report

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Background Papers

Local Government Association Taxi and PHV licensing Councillors' handbook (August 2017)

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (June 2018)

Inclusive Transport Strategy: Achieving Equal Access for Disabled People (July 2018)

Contact for further information

Charlie Fletcher, Licensing Officer, 01344 352550, charlie.fletcher@westberks.gov.uk