

**EXETER CITY COUNCIL  
LICENSING COMMITTEE**

**29 MARCH 2011**

**CLARIFICATION OF DECISION TO END THE REQUIREMENT FOR CERTAIN HACKNEY  
CARRIAGES TO BE DISABLED ACCESSIBLE VEHICLES**

**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to clarify the situation in relation to the decision made by the Committee on 30 November 2010 to end the requirement placed on the remaining hackney carriages in the fleet that were not accessible by disabled users, to become disabled accessible vehicles (DAVs), and explain why the draft minute of that decision differed from the published minute.

**2. BACKGROUND**

- 2.1 The longstanding policy of this Committee has been to encourage access for persons with a disability within the Hackney Carriage fleet; new applications for Hackney Carriage Licences have only been granted (with some exceptions) for those vehicles equipped to be wheelchair accessible. This requirement did not extend to the existing fleet.
- 2.2 In line with guidance issued on the accessibility of taxi fleets after the introduction of the Disability Discrimination Act 2006, this Committee introduced a modification to this policy on 10 July 2007, which sought to increase accessibility in the fleet and in particular require those vehicles that were not accessible to become so when reaching 8 years old, or on the transfer of the vehicle to another proprietor, or to add or alter the names on the existing licence.
- 2.3 In practical terms this requirement to convert to a DAV, meant that the Hackney Carriage saloon taxis would comply with the requirement if a specialised swivel seat was fitted to assist those disabled users with mobility issues.
- 2.4 This requirement was not supported by some members of the trade, principally those operating Hackney Carriage saloon taxis, and a series of representations followed seeking to have this Committee's decision rescinded. The main thrust of these representations was that the swivel seat adaptation had safety and insurance concerns, and that they did not offer improved accessibility to any great extent.
- 2.5 In order to revisit this issue, Committee called for a report, which was tabled on 30 November 2010, following a consultation process with stakeholders. The report advised that of the 92 responses received, the overwhelming majority (83%) supported the existing requirement in relation to Hackney Carriage saloon cars, with 11 (12%) opposed.
- 2.6 The Licensing Committee decided to end the requirement for saloon taxis to be so converted with effect from 30 November 2010.
- 2.7 Following this decision, some members of the trade sought clarification of it's implementation, and officers duly responded to the effect that with the option of converting the saloon taxis by means of a swivel seat removed, then it would be necessary to provide a wheelchair accessible vehicle (WAV) when the saloon taxi reached 8 years of age, or on transfer, etc. This interpretation was in error, and understandably caused some consternation within the trade.

- 2.8 Further consternation ensued when a draft minute of this decision was obtained that differed from the published minute, and it was wrongly construed that the draft had been wilfully altered to replace the requirement to convert to a DAV, with one of conversion to a WAV.

### **3. MINUTES**

- 3.1 All Committees are supported by Member Services Officers whose task it is to produce minutes of that meeting. However, it is not the case that a verbatim record is made, rather that minutes are derived partly from notes of what is said by those at the meeting, and partly from the body of the report itself. In terms of Licensing Committee reports, this is not assisted by a relatively recent informal convention for there not to be a clearly stated recommendation from the officers, which differs from the convention for reports to other committees.
- 3.2 It is normal practice for draft minutes to be circulated and for these to be amended where necessary by officers present at the meeting before being published, in order to ensure the accuracy and legality of the minutes. In this case the Head of Environmental Health Services sought advice from the Licensing Solicitor on wording to ensure it related to the requirement introduced in 2007, which clearly was the intent of this Committee.
- 3.3 The draft minute stated, *'Resolved that the policy requiring the installation of swivel seats in Hackney Carriage saloon cars be discontinued'*. Although this conveyed the intent of the Licensing Committee, it was not factually correct in that there is no policy requirement to this effect; rather it is a later modification to a longstanding policy that requires the provision of accessible taxis for persons with a disability, when applied to certain taxis (new applications).
- 3.4 The published minute re-stated the intent of the Licensing Committee to discontinue the use of swivel seats in the fleet as a means of conversion of taxi saloons to become DAV's, but clarified the decision in terms of the recommendation of the report, and ensured it was legally and factually correct, stating, *'Resolved that the modification to the original policy requiring all new Hackney Carriages to be wheelchair accessible, which allowed the installation of swivel seats as an alternative in Hackney Carriage saloons, be discontinued.'*
- 3.5 Both the draft minute and the published minute have exactly the same result, which is that any Hackney Carriage saloon that is not currently adapted to be wheel-chair accessible or accessible to disabled persons, will not be required to be converted to a DAV when they reach 8 years old, or on transfer of the vehicle to another proprietor, or to add or alter the names on the existing licence.

### **4 TAKING TAXI POLICIES FORWARD**

- 4.1 This episode has further highlighted the need and potential merits of bringing together all particular policies relating to the regulation of Hackney Carriages and private hire vehicles into one over-arching policy document, which builds upon and updates the current Taxi Policy. It will be prudent to encompass the proposals by Government to place a minimum threshold level for accessible taxis, when they are enacted later in the year.

### **5. RECOMMENDATION**

- 5.1 It is recommended that Licensing Committee note the report and approve:

(i) that future reports pertaining to Licensing policy matters follow the normal convention for committee reports and contain a clear recommendation by officers;

(ii) that a future report is brought to Licensing Committee presenting a comprehensive Taxi Policy for approval; and

(iii) that the draft Minute 35 for the Licensing Committee meeting of 30 November 2010 be approved.

**HEAD OF ENVIRONMENTAL HEALTH SERVICES  
COMMUNITY AND ENVIRONMENT DIRECTORATE**

Local Government (Access to Information) Act 1985 (as amended).

Background papers used in compiling this report:

Report to meeting on 30 November 2010