

WELWYN HATFIELD BOROUGH COUNCIL  
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE - 29 JANUARY 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND  
GOVERNANCE)

REVIEW OF HACKNEY CARRIAGE TERMS AND CONDITIONS

**1 Executive Summary**

- 1.1 The Hackney Carriage Office with the aid of a sub-committee and members of the Residents panel were requested to review the terms and conditions relating to Hackney Carriage vehicles. This was to focus on the inclusion of wheelchair accessible vehicles (WAVs) in the borough. At this point terms and conditions have been arrived at and are to be agreed by the sub-group on 10<sup>th</sup> January 2019.

**2 Recommendation**

- 2.1 For the Committee to consider the proposed draft conditions in Appendix A and agree they are released for consultation as set out in Appendix B, and the results of the consultation brought back to Committee for consideration.

**3. Explanation**

- 3.1 The Environment Overview and Scrutiny Committee set a task and finish group to consider proposed revision to the Hackney Carriage Terms and Conditions.
- 3.2 The Taxi Terms and Conditions Sub Group has met on a number of occasions and has received updates on the law, results of survey, the potential “need” for wheelchair accessible vehicles, benchmarking data from neighbouring local authorities and has also viewed a range of wheelchair vehicles.
- 3.3 As a result a draft set of revised terms and conditions has been drawn up and are shown in Appendix A.
- 3.4 It is important that all key stakeholders are given the opportunity to comment on the proposed conditions and a list of proposed consultees is shown in Appendix B.
- 3.5 Members are asked to consider the draft conditions and agree for them to be released for consultation.
- 3.6 Members will note that the proposed revised conditions also includes conditions relating to vehicle livery, this is because of a potential “need” identified which would contribute towards public safety.

**4. Legal Implications**

- 4.1 Any proposed revised terms and conditions is a decision for Council or a designated Council committee to approve.
- 4.2 The proposed conditions will carry the risk of legal action that any person aggrieved may appeal to the magistrate’s court. Any judicial review challenge in relation to the decision making process must also be considered as a risk.
- 4.3 Failure to consider and promote access under the Equality Act 2010 could be challenged at court by any person aggrieved.

## **5. Financial Implications**

5.1 Legal costs should any person launch a legal challenge.

## **6. Risk Management Implications**

6.1 The risks related to this proposal are any legal challenge which may arise in relation to the validity of the proposed conditions or validity of the decision making process.

6.2 Failure to consider and promote access to protected persons under the Equality Act could be a reputational risk to the Council as well as any legal challenge brought by any person under the Equality Act.

## **7. Security and Terrorism Implications**

7.1 None

## **8. Procurement Implications**

8.1 None

## **9. Climate Change Implications**

9.1 The proposed draft conditions will result in a cleaner taxi fleet in the long term.

## **10. Health and Wellbeing Implications**

10.1 Under the Equality Act 2010 the Council must be seen to promote access and eliminate barriers in relation to discrimination.

10.2 The safety of public users of vehicle must also be considered.

## **11. Communication and Engagement**

11.1 Once the revised terms and conditions have been consulted upon, officers will assist members in determining a timetable for the adoption and implementation of the revised conditions. This will include a full communication plan.

## **12. Link to Corporate Priorities**

12.1 The subject of this report is linked to the Council's Corporate Priority (Maintain a safe and healthy community), and specifically to the achievement of improve and maintain the health and wellbeing of residents.

## **13. Equality and Diversity**

13.1 An Equality Impact Assessment (EIA) has not been carried out in connection with the proposals that are set out in this report.

Name of Author                      *James Vaughan 01707 357982*  
Title                                      *Hackney Carriage Officer*  
Date                                        *18 December 2018*

### Background Papers:

Appendix A    Proposed revised taxi terms and conditions  
Appendix B    Consultees to be included