

WELWYN HATFIELD BOROUGH COUNCIL  
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE - 10 JUNE 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

REVIEW OF HACKNEY CARRIAGE TERMS AND CONDITIONS

**1 Executive Summary**

- 1.1 This report provides an update on the work currently being carried out in respect of the proposed changes to the Terms and Conditions applicable to our licensed Hackney Carriage vehicles.

**2 Recommendation(s)**

- 2.1 For the Committee to note the update and proposals for the next stage in this process.

**3 Explanation**

- 3.1 In 2018, the Environment Overview and Scrutiny Committee meeting gave approval for the Hackney Carriage Team to carry out a consultation process to consider the introduction of Wheelchair Accessible Vehicles (WAVs) to the fleet of our licensed Hackney Carriages.
- 3.2 In order to assist with this process a sub group consisting of elected members, representative from the tenant's panel and Council officers was set up. To date, four meetings have taken place.
- 3.3 The following action has also been carried out in respect of this consultation:
- An initial survey regarding the introduction of a policy for wheelchair vehicle accessibility took place between June and August 2018. This was extended to December 2018 to include the general public.
  - The results of the initial survey and sub group meetings were reported back to Environment Overview and Scrutiny Committee in January 2019. The proposed revision of the Hackney Carriage Terms and Conditions were also introduced and approval was given that the proposed Hackney Carriage Terms and Conditions be put forward for a public consultation. The consultation took place between January 2019 and the end of March 2019.
  - Two public meetings were also held at Campus West in March 2019 which all key stakeholders, consultees and the general public were invited to.
- 3.4 The team are currently analysing all the data and comments received as a result of the consultation process and will be collating the information in order to submit a more detailed report at the next Environment Overview and Scrutiny Committee.

- 3.5 It is also proposed to hold further sub group meetings to finalise the proposed terms and conditions.

### **Implications**

#### **4 Legal Implications**

- 4.1 The Local Government (Miscellaneous Provisions) Act 1976 Section 47 states that “a district Council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district Council may consider reasonably necessary”.
- 4.2 The proposed conditions may carry the risk of legal action because any person aggrieved can appeal to the magistrate’s court. Any judicial review challenge in relation to the decision making process must also be considered as a risk.
- 4.4 Failure to consider and promote access under the Equality Act 2010 could be challenged at court by any person aggrieved.

#### **5 Financial Implication(s)**

- 5.1 There may be potential costs should any person launch a legal challenge against the decision.
- 5.2 There is a cost to the licensed drivers in the purchase of Wheelchair accessible vehicles.

#### **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 Implication(s)**

- 7.1 None directly linked to this report

#### **8 Procurement Implication(s)**

- 8.1 None directly linked to this report

#### **9 Climate Change Implication(s)**

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

#### **10 Human Resources Implication(s)**

- 10.1 None directly linked to this report.

**11 Health and Wellbeing Implication(s)**

- 11.1 The safety of public users and vehicle drivers is of paramount importance when considering licence applications.

**12 Communication and Engagement Implication(s)**

- 12.1 Communication and engagement with all the relevant stakeholders is a fundamental aspect of this process.

**13 Link to Corporate Priorities**

- 13.1 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

**14 Equality and Diversity**

- 14.1 An Equality Impact Assessment (EIA) has been carried out in connection with the Introduction of Wheelchair Accessible Vehicles. It has identified that there is the potential for positive impacts on those who have a disability as some of those within this protected characteristic may be wheelchair users.

Name of author	<i>Joanna Harding 01707 357361</i>
Title	<i>Head of Public Health and Protection</i>
Date	<i>8 May 2019</i>