



**Diversity impact assessment (DIA) screening and initial assessment pro forma**

**Title of policy, function or project:**

The licensing of taxis function as undertaken by Norwich City Council, and in particular its Hackney Carriage Vehicle Specification

**What are the aims and objectives?**

- To protect the interests of the public through the administration of the function
- To stipulate a detailed criteria that vehicles should meet before being licensed as hackney carriages
- To provide access to a wide range of groups within the travelling public
- To ensure that vehicles are 'purpose built' to be used as hackney carriages

**Who are the key stakeholders?**

- Differing groups within the travelling public, e.g. wheelchair users, the ambulant disabled, passengers with visual and hearing impairments
- Members of the Public
- Licensed hackney carriage vehicle proprietors and drivers
- Hackney carriage vehicle manufacturers
- Norwich City Council as a licensing authority

**What evidence has been used for this initial screening? (e.g. complaints/place survey results)**

- 1991 - Norwich City Council current hackney carriage vehicle specification
- 2005 - Survey of occupied wheelchairs and scooters conducted on behalf of Mobility and Inclusion Unit of the Department for Transport
- November 2007 - Results of consultation on amending the hackney carriage vehicle specification considered by the council's regulatory committee
- [2009] EWHC2356 [ADMIN] (1)Alma Lunt (2)Allied Vehicles v Liverpool City Council, with the Equality and Human Rights Commission as intervener.
- Vehicle manufacturers technical specification brochures
- Comments, Compliments and Complaints

**Do different groups have different needs in relation to this policy?**

	Yes	No	Not known
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Please elaborate:**

**Yes**

The specifications limiting types of vehicles licensed as hackney carriage taxis have been in place since 1991. In the time since it has been possible to understand the requirements of different user groups as outlined below. It is evident that the most vulnerable user groups in terms of health and safety, and dignity and respect are disabled people whose mobility would be compromised significantly without intervention from authorities on the accessibility of taxis and the training and knowledge of their drivers. It is therefore likely that this assessment will closely review the needs of passengers with disabilities or impairments

**Age**

It may be that older people who may not have access to cars and may be on low or fixed income could be reliant on taxis for their transportation needs. For those older people with reduced mobility the safety and appropriateness of ramp access is therefore a consideration.

**Disability**

People with visual impairment may benefit from contrasting colours or lighting to assist with access into, and travelling within, the vehicle; for example brightly coloured door grab handles and seat edges, floor, puddle and door handle lights. For those passengers with hearing or speech impairments, communication with the driver needs consideration as the separate passenger compartment is divided from the driver by fixed floor to roof screening.

Under the current specifications, suitable access to the vehicle for both the ambulant disabled and wheelchair user is required. However, those passengers whose wheelchairs are longer in length may be unable to manoeuvre within the vehicle into a safe position. This could result in such passengers being carried either partially or totally unrestrained. Additionally, wheelchair users may prefer to be carried in a forward facing position as opposed to the current situation where the only option is to be restrained facing rearwards. Passengers may also wish to travel with a companion, and therefore the availability of other passenger seats is also a consideration.

**Gender**

Licensed vehicles that currently meet the specification are commonly recognisable as taxis due to their distinctive appearance. This can be an important safety aspect for women travelling alone, especially at night as it reduces the risk of hiring a 'bogus' taxi.

**No**

**Not known (is this due to a lack of data?)**

There is a lack of data to establish whether these groups have different needs in relation to the policy

**Is there an opportunity to promote equality of opportunity or good relations amongst different groups?**

	Yes	No	Not known
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Racial group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Please elaborate:**

**Yes**

### **Age and Disability**

There is an opportunity to promote equality of opportunity for disabled and older passengers to enjoy a comfortable, safe and accompanied journey comparable to non – disabled peers. The specifications as reviewed in 2007, and bearing in mind the response from disabled passengers which was mixed, satisfied the organisation that disabled and ambulant disabled passengers were receiving a reasonable service (please see further details below). It is unlikely that community cohesion will be impacted greatly, other than ensuring that disabled people are able to actively participate in civic activities with decent transportation provided.

**No**

**Not known (is this due to a lack of data?)**

### **Gender**

If the policy specification is amended and vehicles are licensed that are not as distinctive in appearance as those currently approved, it is unknown whether the 'recognisability factor' could be addressed by some other method, e.g. colour or signage.

### **Racial group / Religion or belief / Sexual orientation**

Lack of data to establish what opportunities would be applicable

**Have any concerns been highlighted by the following stakeholders (e.g. complaints or consultations)?**

	Yes	No	Not known
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Please elaborate:**

**Yes**

**No**

### **Age and Disability**

The council's hackney carriage vehicle specification policy was last reviewed in 2007 following an application to licence the Peugeot E7 model current at the time. A total of thirty six responses were received.

The majority of comments (64%) were received from the hackney trade and their representative groups. Out of these responses 61% were against amending the policy to allow the E7 to be licensed mainly due to issues surrounding the turning circle, purpose built 'fitness' and recognition.

Although the remaining 39% in support of the E7 cited easier access and manouverability for wheelchair users as one of the reasons to support its licensing, there was insufficient evidence from consultation with disabled passengers that the current specifications did not meet requirements or that the E7 was a preferred vehicle. Overall, 11% of the responses came from members of the public who were evenly split in their views. One electric wheelchair user stated that they found the E7 "very awkward to get in and out of". Another respondent with reduced mobility cited problems in accessing vehicles that were currently licensed due to the

high step up.

No concerns were raised by other key stakeholders in the consultation

**Not known (is this due to a lack of data?)**

**Is there any evidence that different groups could potentially be or are affected adversely by the policy?**

	Yes	No	Not known
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Racial group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Please elaborate:**

**Yes**

**Age**

Older people with reduced mobility may have difficulty in accessing vehicles that meet the current specifications due to the step height from the kerbside into the vehicle as identified by the consultation in 2007. There have not been any complaints received, however we must consider what options are available to improve the experience and avoid potential hazards. Therefore the specifications should ensure that the angle of any ramp provided is not too steep and that retractable steps can be secured and non-slip.

**Disability**

Currently there is some reasonably robust provision in the specifications for taxi licensing as outlined earlier, and no complaints or negative feedback have been received from disabled rights access groups or individuals regarding the licensing of taxis. However it is recognised that the specifications have been in place for some 18 years and are ready to receive scrutiny and amendment in line with appropriate guidance.

Although Norwich City Council's current hackney carriage vehicle specification policy requires all vehicles to be wheelchair accessible there are many differing makes, designs and sizes of wheelchairs, some of which may not be able to be restrained in the rearward facing position correctly. It is important that the wheelchair and its occupant can be securely restrained to ensure passenger safety when travelling in the vehicle. Those vehicles currently licensed can carry, in the correctly restrained position, differing types of wheelchairs. However, it would not be possible to carry some of the larger wheelchairs in the correct position, usually of the electric variety, because of the difficulty in manoeuvring the wheelchair within the passenger compartment.

Since the 2007 review a new Peugeot E7 taxi model has been produced; this has received favourable reviews from disability rights advocates. The Disability Discrimination Act 2005 provisions regards paying due regard to the needs of disabled people has also been tested in Liverpool.

This particular judgement in the recent High Court case against Liverpool City Council highlighted that despite consultees struggling to use the current licensed taxis, it was decided not to license the vehicle in question. One of the claimants could not access vehicles licensed under the policy in her manual powered wheelchair because she could not turn her chair, due to its size, to face the rear and be secured by the straps and seat-belts provided for disabled use in such a taxi. That meant that if she had to travel in the vehicles licensed at that time, she could only do so in a diagonal or sideways position unsecured by a seat-belt or a strap on the wheelchair itself. The judgement stated that this would create an uncomfortable ride in the vehicle if it braked or turned corners sharply, is an unsafe position and a breach of the local regulations

governing the conveyance of wheelchair users.

It should also be noted that a policy specification relating to the turning circle of the vehicle currently restricts the choice of vehicles available. Any review of the specifications should robustly investigate arguments in favour of the turning circle defence and weigh it against the needs, safety and legal duties regarding disabled passengers.

No

**Not known (is this due to a lack of data?)**

No evidence to suggest that the remaining groups are adversely affected by the policy.

**Please outline any action points committed to in the future:**

	Action	Review date
Data collection	In accordance with court order, obtain information from five other local authorities on experience of licensing the Peugeot E7	October 2009
Consultation	Undertake consultation with stakeholders regarding application to licence Peugeot E7	November 2009
Age	No	
Disability	Report to Regulatory Committee asking members to review existing hackney carriage vehicle specification policy -to improve communication between passengers and drivers through requiring vehicles to be fitted with a voice intercom and hearing loop -to consider applications from vehicles with larger passenger compartment sizes resulting in wheelchair users being able to travel with companions. -to stipulate that all door grab handles and seat edges are brightly coloured	November 2009
Gender	No	
Racial group	No	
Religion or belief	No	
Sexual orientation	No	

**Any other comments on the policy and/or screening exercise:**

The most significant area of the current policy which the Peugeot E7 fails to comply with is the 'turning circle'. If this requirement is removed or reduced then vehicles other than the E7 could be licensed.

**On the basis of this assessment should there be a full impact assessment carried out?**

Yes ☒ No ☐

**Please elaborate:**

Since the last consultation, it is recognised that the requirements for accessible taxis for larger wheelchairs needs greater consideration. Therefore a further consultation is required in order to inform members reviewing practice at to Regulatory Committee in November 2009. A full impact assessment will allow the opportunity to further investigate the views of disabled passengers, as well as how to mitigate against

potential negative impacts identified in this initial screening.

**Lead review manager**      Ian Streeter  
**name:**

**Job title:**                      **Senior Licensing Officer**

**Date:**                              **13 November 2009**



## Full impact assessment pro forma

### Title of policy, function or project:

The licensing of taxis function as undertaken by Norwich City Council, and in particular its Hackney Carriage Vehicle Specifications

### What are the aims and objectives?

- To protect the interests of the public through the administration of the function
- To stipulate a detailed criteria that vehicles should meet before being licensed as hackney carriages
- To provide access to a wide range of groups within the travelling public and
- To ensure that vehicles are 'purpose built' to be used as hackney carriages

### Who are the key stakeholders?

- Differing groups within the travelling public, e.g. wheelchair users, the ambulant disabled, passengers with visual and hearing impairments
- Members of the Public
- Licensed hackney carriage vehicle proprietors and drivers
- Hackney carriage vehicle manufacturers
- Norwich City Council as a licensing authority

### What new evidence and data has been used for this full assessment?

- 2009 Results of consultation with key stakeholders and the general public
- 2009 Practical assessment of vehicles currently licenced (TX4 and Metrocab) and proposed vehicle. (Peugeot E7).
- 2009 responses from other licensing authorities on their experiences of licensing the Peugeot E7

### What direct consultation has been undertaken and what are the results?

Target group	Consulted group	Consultation method	Key results
Age	Age Concern (Norwich)	Letter seeking views on licensing of E7.	No response received
Disability	Norwich Access Group	Practical assessment of vehicles.  See detailed responses attached.	Positive response regarding the E7 taxi: <ul style="list-style-type: none"> <li>• flat passenger floor area;</li> <li>• larger dimensions of passenger area;</li> <li>• wider sliding doors result in less pulling/pushing by drivers assisting wheelchair users;</li> <li>• ramp extension</li> </ul>

			reducing ramp gradient when no high kerb; <ul style="list-style-type: none"> <li>Built in step.</li> </ul>
	Disabled Staff Forum	Practical assessment of vehicles	See above responses
	Norfolk Coalition of Disabled People	Letter inviting participation in practical assessment	No response received.
	Disabled Persons Transport Advisory Committee	Letter inviting comment or participation in practical assessment.	Unable to offer advice on applications of this nature. They are an advisory body to Transport ministers for national transport policy impacting disabled people
	Various Licensing authorities across the country	Via email	Responses are available as appendices to the Regulatory committee report for November 2009.  In summary there have been no problems with licensing the E7 taxi where it has been licensed.
Gender	None		
Racial group	None		
Religion or belief	None		
Sexual orientation	None		

**Please clarify how you intend to minimise any adverse impact or promote equality:**

	Key finding	Action planned	When by
Age	None		
Disability	The review undertaken by wheelchair users indicated that the E7 taxi, despite concerns given about the step, was by far the favourite. An informal scoring of feedback implied that the E7 taxi scored 38 points compared to 25 and 24 for the taxis currently licensed. It was noted that the interior space and the flat floor within the Peugeot E7 allowed for larger types of wheelchairs to be carried and manoeuvred within the passenger compartment. The wheelchair user can also be safely restrained in a forward facing position unlike the vehicles currently licensed	The council's regulatory committee will be asked to consider licensing the 'new' Peugeot E7 as a hackney carriage at their meeting on 10 November 2009.  This is because of the compelling evidence to suggest that even with a small number of consultees, the E7 taxi is the preferred vehicle in terms of safety and comfort for disabled people. It is also evident that the vehicle specifications will need to be reviewed to place less emphasis on the requirements of a turning circle, and more emphasis on disabled access of vehicles.	10 November 2009

	as hackney carriages. This should be emphasised as it contributes positively to the dignity and comfort of disabled passengers.	Members will be advised of the council's duties under the Disability Discrimination Act 2005.	
Gender	None		
Racial group	None		
Religion or belief	None		
Sexual orientation	None		

#### **Have you identified any training needs?**

Diversity Impact Assessments must be carried out at the review stage of any policy, and members should be notified of their outcomes in order to make informed decisions based on robust evidence and consultation with members of the public.

In order to promote positive attitudes, it is recommended that when reviewing the specifications, consideration be given to conditioning hackney carriage driver licensee applicants to undergo formal training in assisting access to and from vehicles. It is also recommended that the authority promote understanding of safety issues for large wheelchair users and the role of the licensed taxi driver to mitigate risk of harm by for example ensuring passengers are strapped in safely.

#### **Have you identified any unavoidable adverse impact which cannot be mitigated?**

It is recognised that a one size fits all approach is not appropriate for ensuring the safe passage of disabled people in licensed taxis. It should be noted however that due to the range, type, size and design of wheelchairs available it will be difficult to ensure that all wheelchair users can be carried and restrained in the correct manner within vehicles licensed as hackney carriages by the city council, even if the current policy is amended to allow the E7 to be licensed. An example of this issue is that during the practical assessment it became clear that the 'electric buggy' type used by the ambulant disabled (as opposed to an electric wheelchair) could not be turned around within the passenger compartments, and therefore be restrained properly, in **any** of the vehicles assessed. However, this currently can be mitigated against by users of the electric buggy accessing the vehicles without being seated on the buggy, though it is acknowledged that this is not ideal as it would mean being transported without the buggy being available at the end of the journey.

#### **Please clarify how you intend to monitor the policy and any actions committed to in the future:**

	<b>Action</b>	<b>Review date</b>
Age	None	
Disability	<p>Report to Regulatory Committee asking members to review existing hackney carriage vehicle specification policy</p> <p>-to improve communication between passengers and drivers through requiring vehicles to be fitted with a voice intercom and hearing loop</p> <p>-to consider applications from vehicles with larger passenger compartment sizes resulting in wheelchair users being able to travel with companions.</p> <p>-to stipulate that all door grab handles and seat edges are brightly coloured</p> <p>Monitoring of complaints from disabled and ambulant disabled users of hackney carriages to inform future reviews of the vehicle specification.</p> <p>Ongoing consultation with local disability groups (Norwich Access Group and Norfolk Coalition of Disabled People) over any benefits or drawbacks resulting from changes to the policy.</p> <p>Considering the licensing of other vehicles as hackney carriages which may reasonably provide benefits to disabled passengers.</p>	<b>March 2010</b>

Gender	None	
Racial group	None	
Religion or belief	None	
Sexual orientation	None	

**Lead review manager name: Ian Streeter**

**Job title: Senior Licensing Officer**

**Date: 13 November 2009**

**Accessibility Assessment 28 October 2009**

**Name of User:** Linda Skimer  
**Disability/Impairment:** Spinal Disorder Osteoporosis C.O.P.O 2.40pm

**1. Opening and closing of the door**

TX4	Metrocab	Peugeot E7
Normally driver opens the door apart from pre booked cabs who just sit there.	Normally driver does this, but can.	Opens easily.

Accessibility Assessment 28 October 2009

2. Step

TX4	Metrocab	Peugeot E7
Alright. OK going in backwards. Feel secure inside.	Ramp OK. No step.	Too high even with step out. 2 <sup>nd</sup> stage of step too high for me.

Accessibility Assessment 28 October 2009

3. Swivel seat

TX4	Metrocab	Peugeot E7
Very easy to use.	No swivel seat.	No swivel seat.

Accessibility Assessment 28 October 2009

4. Wheelchair access

TX4	Metrocab	Peugeot E7
In buggy difficult.	Restricted in height in buggy.	N/A

Accessibility Assessment 28 October 2009

5. Entering the vehicle

TX4	Metrocab	Peugeot E7
Fairly comfortable transition.	Fairly comfortable.	Alright reasonable.

# Accessibility Assessment 28 October 2009

## 6. Exiting the vehicle

TX4	Metrocab	Peugeot E7
Easier if step pulled out. Fine coming out provided step fully out.	OK with ramp. Couldn't have done it without a ramp.	Alright apart from the step same problem.

# Accessibility Assessment 28 October 2009

## Supplemental questions

	Questions regarding Taxi demonstration (Yes / No)	TX4	Metrocab	Peugeot E7	Comments
7.	Does the vehicle allow room for a companion to travel with a wheelchair user?	N/A	N/A	N/A	
8.	Does the vehicle allow for the comfort of the traveller?	YES	N/A	YES	
9.	Does the traveller consider the mode of travel to compromise their dignity in any way? (if so please explain how)	NO		NO	
10.	Do the internal specifications of the vehicle ensure the safe passage of the traveller?	YES		YES	

	Questions regarding Taxi demonstration (Yes / No)	TX4	Metrocab	Peugeot E7	Comments
11.	Does the traveller prefer this vehicle to other taxis used in the past?	They all feel the same	In some ways easier to get into	YES	Back seat more comfortable, higher and upright.
12.	Do the specifications take into account a wide range of impairments?	Don't know	Don't know	Don't know	
13.	Would this vehicle be more difficult for a person with impairments to use?	If had a buggy		NO	
14.	Would an alternative vehicle be more difficult to use?	YES	NO	This one is better for seating	

**Signature:**

**Print Name:** LINDA SKINNER

**Date:** 28/10/09

# Accessibility Assessment 28 October 2009

Name of User: Dick Catt

Disability/Impairment: Similar to stroke (L) sided weakness – hemiplegia 2.50pm

## 1. Opening and closing of the door

TX4	Metrocab	Peugeot E7
Walking – can open the door – sometimes driver does it.	Easy Step 33cms	Can open and close door.
Manual Wheelchair – would not do so.	Would not do so.	Would not do so in wheelchair.

## Accessibility Assessment 28 October 2009

### 2. Step

TX4	Metrocab	Peugeot E7
<p>Fairly easy.</p> <p>Manual Wheelchair – ramp ok – not comfortable</p>	<p>Easily entered</p> <p>Ramp little steep</p>	<p>Step okay but could do with being bit wider/deeper – good height</p> <p>With experienced wheelchair user no difficulty – plenty of head room</p>

# Accessibility Assessment 28 October 2009

## 3. Swivel Seat

TX4	Metrocab	Peugeot E7
No difficulties but prefers to sit in ordinary seat and where there are lots of handles to hold on to	N/A	N/A
Manual wheelchair – N/A	N/A	N/A

# Accessibility Assessment 28 October 2009

## 4. Wheelchair Access

TX4	Metrocab	Peugeot E7
<p>-</p> <p>Manual Wheelchair – okay difficult – last bit – hump on last bit</p>	<p>-</p> <p>Plenty of Headroom</p>	<p>-</p> <p>With ramp relatively easy with experienced pushers</p>

# Accessibility Assessment 28 October 2009

## 5. Entering the Vehicle

TX4	Metrocab	Peugeot E7
Easy to enter	Okay easy to do	Yes
Manual wheelchair – plenty of headroom	Easy with help	Room to manoeuvre chair around

# Accessibility Assessment 28 October 2009

## 6. Exiting the Vehicle

TX4	Metrocab	Peugeot E7
No difficulty in getting out	No difficulty	
Manual wheelchair – uncomfortable, jerking, manoeuvring	Easy	No difficulty

# Accessibility Assessment 28 October 2009

## 7. Supplemental Questions

	Questions regarding Taxi demonstration (Yes/No)	TX4	Metrocab	Peugeot E7	Comments
7.	Does the vehicle allow room for a companion to travel with a wheelchair user?	Yes	Yes 2	Yes	E7 had most room
8.	Does the vehicle allow for the comfort of the traveller?	Yes	No	Yes	
9.	Does the traveller consider the mode of travel to compromise their dignity in any way (if so please explain how)	Jerked around	Being jerked around when manoeuvring	No	
10.	Do the internal specifications of the vehicle ensure the safe passage of the traveller?	Yes	Yes	Yes	
	Manual wheelchair	Yes	Yes	Yes	
11.	Does the traveller prefer this vehicle to other taxis used in the past?	Yes	No	Yes	Normally uses saloon cars but this is roomier
	Manual wheelchair	No	No	Yes	

12.	Do the specifications take into account a wide range of impairments?	No	Yes	Yes	Yes		
	Manual wheelchair	Don't know	Don't know	Don't know	Don't know		
13.	Would this vehicle be more difficult for a person with impairments to use?	Yes	No	No	No		
	Manual wheelchair	Yes	Yes	Yes	No		
14.	Would an alternative vehicle be more difficult to use?	No	Yes	Yes	Yes		

**Signature:**

**Print Name: R E Catt**

**Date: 28/10/09**

# Accessibility Assessment 28 October 2009

Name of User: Jason Wright

Spectra plus electric wheelchair

Disability/Impairment: Muscular Dystrophy

Wheelchair depth 100cm - width 58cm - back  
- width 49cm - front  
- 109cm - height

2.30 demo began

## 1. Opening and closing of the door

TX4	Metrocab	Peugeot E7
Normally would not open door himself. Driver would do this once.	Normally would not do this	Normally driver or companion does it.

## Accessibility Assessment 28 October 2009

### 2. Step

TX4	Metrocab	Peugeot E7
<p>Not too steep Thinks can manage wheelchair himself and manoeuvre it round and be locked in position</p>	<p>About same as TX</p>	<p>Ramp bit too steep. Felt disconcerting. Had to have someone behind me</p>

Accessibility Assessment 28 October 2009

3. Swivel Seat

TX4	Metrocab	Peugeot E7
N/A	N/A	N/A

## Accessibility Assessment 28 October 2009

### 4. Wheelchair Access

TX4	Metrocab	Peugeot E7
<p>Pretty good.</p>	<p>Less room near feet – tighter. Less Headroom</p>	<p>Excellent much more room to manoeuvre. Flat floor.</p>

# Accessibility Assessment 28 October 2009

## 5. Entering the Vehicle

TX4	Metrocab	Peugeot E7
<p>Fine, having bottom bit on ramp makes it more unstable – not too steep plenty of room inside</p>	<p>Fine</p>	<p>Brilliant</p>

# Accessibility Assessment 28 October 2009

## 6. Exiting the Vehicle

TX4	Metrocab	Peugeot E7
<p>Driver normally helps me. It was fine. Felt Safe.</p>	<p>Fine. Felt Safe.</p>	<p>Ramp bit steep for my personal taste as long as someone is there.</p>

# Accessibility Assessment 28 October 2009

## 7. Supplemental Questions

	Questions regarding Taxi demonstration (Yes/No)	TX4	Metrocab	Peugeot E7	Comments
7.	Does the vehicle allow room for a companion to travel with a wheelchair user?	Yes 2	2	Yes 2 or 3	
8.	Does the vehicle allow for the comfort of the traveller?	Yes	Yes	Yes	
9.	Does the traveller consider the mode of travel to compromise their dignity in any way (if so please explain how)	No	No	No	
10.	Do the internal specifications of the vehicle ensure the safe passage of the traveller?	Yes space is fine	Top of door close to head	Yes	
11.	Does the traveller prefer this vehicle to other taxis used in the past?	Yes definitely	Not my first preference	Yes	Even though ramp bit steep, still prefer this one. Extra space and extra seat for companions
12.	Do the specifications take into account a wide range of impairments?	Don't know		Don't know	

# Accessibility Assessment 28 October 2009

## Supplemental Questions (cont/d)

	Questions regarding Taxi demonstration (Yes/No)	TX4	Metrocab	Peugeot E7	Comments
13.	Would this vehicle be more difficult for a person with impairments to use?	No	No	Yes	If someone was walking – step bit high but if there is a step which comes out it would be ok
14.	Would an alternative vehicle be more difficult to use?	No	No	No	

Signature:

Print Name: Jason Wright

Date: 28/10/09

# APPENDIX F

## ADVICE FOLLOWING THE CASE OF:

- (1) ALMA LUNT
- (2) ALLIED VEHICLES LTD -v- LIVERPOOL CITY COUNCIL

### Brief background to the case

Mrs Lunt had a back injury necessitating her distributing her weight by reclining the back of her wheelchair and using footrests. This resulted in her wheelchair being longer than say the standard length and it measured some 1200mm. There was a survey done by the Department of Transport Mobility Inclusion Unit which states that she is not alone in having a wheelchair of a variant length and shares this characteristic which several hundred wheelchair users in the UK.

Mrs Lunt was the voluntary Chair of the Merseyside Coalition of Inclusive Living and also treasurer of the Liverpool Wheelchair Users Group. She also participated in the policy forum of the Liverpool City Council concerned with wheelchair access issues. In 2007 she became aware of an application by Allied Vehicles to licence the Peugeot E7 for use as a hackney carriage. She tried the E7 herself and she was impressed with it.

Mr Edwards was Liverpool city's principal licensing officer and he produced a report on 31 October 2007 and repeated in a second report in 2008 the following: "Before a type of vehicle may be licensed as a hackney carriage it needs to be approved by the Liverpool City Council as a suitable vehicle for use as a taxi cab in Liverpool. The council has accepted that purpose built taxis which comply the conditions of fitness of the London carriage office are suitable for such use. Other vehicles are considered on the merits but to date no vehicle which is unable to meet the conditions of fitness have been approved by the council."

He then made reference to an equality impact assessment document in which he noted that the standard of the London conditions of fitness laid down critical standards which vehicles must attain before being licensed as a hackney carriage. The licensing committee makes reference to those standards "If a vehicle falls short of those standards it will generally not be approved for use as a hackney carriage".

On 31 October 2007 the licensing committee first considered the matter. It heard from Mr Fry who was an employee of Allied Vehicles, Mrs Lunt and Mr Bruce, Chairman of Liverpool Wheelchair Users Group. The minutes summarised "They are in favour of the E7, not all TX vehicles are wheelchair accessible".

Others opposed the application including the manager of the TX range. The hearing was adjourned for further information to be obtained and consultation with others including other local authorities on the types of vehicles they authorised for use as hackney carriages.

On 4 March 2008 there was a meeting lasting some hours between

Mr Edwards, Mr Bruce, Mrs Price and Mrs Lunt. The last three disagree with Mr Edwards recollection of what was said at that meeting in particular with the safe securing of wheelchairs in taxis. After that meeting Mr Edwards completed the disability impact assessment. This said, amongst other things, that the application **could** present the potential for a dis-benefit to wheelchair users if the E7 were not approved. It went on to say "However due to the vehicles size and engineering considerations associated with the design, it cannot conform to the minimum turning circle requirements associated with hackney carriages and is higher off the ground creating increased wheelchair ramp angles. He further wrote "The licensing committee will consider any application on its merits submitted by any vehicle manufacturer who designs and builds a vehicle which is constructed for public hire activity."

The report contained comments made by a Mr Gore who was the Merseyside police force vehicle examiner. However it is fair to say that the E7 was modified in the period between the first and second reports and concerns relating to the steep ramp and sliding doors had been addressed by the applicant.

Allied Vehicles prepared a report setting out accurately Mr Bruce's and other wheelchair users concerns including the knowledge that some wheelchair users were excluded from use of the present licensed taxis. Wheelchair users were **often** left unsecured and in a dangerous situation when travelling and that the reason for this situation was the limited turning area available in the rear of London style taxis. This report also contained reference to the Lowland report which was a report commissioned by Lowland Market Research to investigate wheelchair user's taxi journey experiences.

During the hearing Mrs Price also addressed the committee but despite this material the chairman felt that these matters were all down to driver error which could be addressed by training.

Allied Vehicles submitted information relating to other local authorities which did licence the E7 including those surrounding Liverpool city so that people could begin their journeys outside of Liverpool but end them in the city but could not hail or begin their journey there in an E7.

Committee met on 28 March 2008 and decided to refuse by a vote of four to two the application. They said they were conscious of the need to give due regard to the Disability Discrimination Act 1995 as amended, but three features caused them concern in relation to the E7. Firstly, sliding doors and safety issues arising from that, second the size of the intermediate step and thirdly the size of the turning circle.

#### The challenge

The challenge by Mrs Lunt and Allied Vehicles being claimants (1) and (2) respectively was as follows:

- (1) Unjustified discrimination contrary to Section 21D and E of the Disability Discrimination Act as amended with effect from 4 December 2006.

21D discusses the meaning of discrimination contained with 21B of the Disability Discrimination Act 2005. Briefly this means that a public authority discriminates against a disabled person if:

- (a) for reasons which relate to the disabled persons disability it treats him/her less favourably than it treats or would treat others to whom that reason does not apply; and
- (b) it cannot show that the treatment in question is justified under Sub Sections 3, 5 or 7C, which relate to employment discrimination.

21E concerns a public authority's duty to make adjustments where a policy or procedure makes it impossible or unreasonably difficult for disabled persons to receive any benefit that is or may be conferred.

- (2) The second challenge related to the council's failure to have due regard to its duty under Section 49A(1) of the Disability Discrimination Act which outlines public authorities general duty to have the need to:

- (a) eliminate discrimination which is unlawful under the Act;
- (b) eliminate harassment of disabled persons which is related to their disabilities;
- (c) promote equality of opportunity between disabled and other persons;
- (d) take steps to take account of disabled persons' disabilities, even Where that involves treating disabled persons more favourably than other persons;
- (e) promote positive attitudes towards disabled persons; and
- (f) to encourage participation by disabled persons in public life.

- (3) The third challenge was that the committee exercised its public law discretion in regard to licensing the E7 on the basis of material and undisputed errors of fact and that their judgement was based on a decisive error and there were grounds of unfairness in that; they failed to understand that all its licensed hackney carriage fleet was accessible to all wheelchair users and misunderstood and mis-stated the impact that the maintenance of the present practice was having. They understood that this was merely restricting the choice and convenience of wheelchair users as opposed to the ability of some users to use the present licensed taxis in Liverpool at all in a safe position. Therefore it was said, they could not have reached a lawful conclusion on the merits of the application or the extent to which it constituted discrimination. The committee decision to base its consideration of the Disability Discrimination Act community law claim points on safety considerations was flawed because the material upon which it relied was inadequate as

the committee had failed to obtain relevant evidence from a competent source to advise on the question.

One of the grounds of the defence was that judicial review was not the way to proceed since Mrs Lunt had recourse to the civil courts by way of a damages claim. This was refused by Justice Blake who said that judicial review was an appropriate way to proceed.

Justice Blake in the Lunt case accepted the claimants, that is Mrs Lunt and Allied Vehicles, primary submission that the decision was liable to be quashed because the judgement of the committee was based upon the fundamental mis-stating of the factual position. The true factual position being a mandatory relevant consideration (that is something which has to be taken into consideration) both under Section 49A of the Disability Discrimination Act and at common law.

In relation to common law discretion a lawful exercise of discretion could not have been performed unless the committee properly understood the problem, its degree and extent. The amount of discretion as to fact and policy allowed to decision makers under the common law only applies to decision makers who have acted fairly and directed themselves accurately on the relevant considerations to be weighed, in the making of a judgement on the exercise of the discretion.

The committee clearly based their decision on the erroneous belief that all its existing fleet of 1400 London style taxis were accessible to wheelchair users generally and that that must mean to all wheelchair users. The problems of safe position and strapping of wheelchairs was put down to driver error rather than the constrictions of space. Therefore it felt that it was dealing with a wish by wheelchair users for a greater degree of choice rather than something which restricted their ability to access the taxi (benefit) at all. This error was critical to its decision in respect of its Disability Discrimination Act duties.

Referred to in the Lunt case is the Edinburgh study which was put before Edinburgh City Council on 20 June 2006. This concluded that there was no overriding evidence either way regarding the safety risks of u turns against 3 point turns. Unlike the PCO (Public Carriage Office) Edinburgh did not consider this a reason to retain the turning circle.

Justice Blake also outlines in the Lunt case a six step approach to deal with Section 21 of the Disability Discrimination Act and the procedure to be considered is outlined below in relation to Norwich City Council's Regulatory committee.

1. *Does the council have a policy or procedure in relation to the licensing of hackney carriages?*

Answer: Yes. We have vehicle specifications which applicants' vehicles must conform to before being licensed as a hackney carriage.

2. *Does this practice or policy make it impossible or unreasonably difficult for disabled persons to receive any benefit that is, or may be conferred by the council?*

Answer: Yes. The benefit is the ability to access taxis. We are now aware of groups of disabled persons who cannot use the London style of taxi safely and with dignity and in some cases not at all. Whilst we have not been approached by a person in Mrs Lunt's position, this potential to deny a benefit to the disabled is clearly contrary to the intention and spirit of the Disability Discrimination legislation.

3. *Is the council under a duty to take such steps as are reasonably practicable in all the circumstances of the case for it to change that practice/policy and proceed/procedure so that it no longer has that effect?*

Answer: Yes.

4. *Has the council failed to comply with its duty to take such steps?*

Answer: No. The committee is considering that as one of the relevant considerations at this hearing.

5. *Not applicable as there is no failure.*

6. *Can the council show that any failure to comply with a change in policy/procedure/practice is justified on the grounds that it reasonably holds an opinion that non-compliance is necessary in order not to endanger the health and safety of any other person; or its failure is justified as a proportionate means of achieving another legitimate aim.*

Answer: The Council have the ability through the committee to allow the E7 to be licensed by relaxing the vehicle specifications. Whilst it is a matter for members' views it is the opinion of your officers that no compelling reason under health and safety issues has been shown under this application nor is there another legitimate aim which retention of the current vehicle specification can be said to meet.

Committee members should note that it is not necessary for the feature in question to cause unreasonable difficulties for all disabled persons or even most disabled persons, any significant impact on wheelchair users as a class will suffice and act as a trigger for the disability discrimination duties.

It may be helpful for the committee to consider the Disability Rights Commissions comments in the Lunt case;

"The policy of the Act is not a minimalist policy of simply ensuring that some accesses are available to disabled persons; it is so far as is reasonably practicable to approximate the access enjoyed by disabled persons to that enjoyed by the rest of the public.

They go on to describe due regard and say that public authorities must have due regard to their duties and that due regard should be fulfilled before and at the time that a particular policy/procedure that will or might affect disabled people is being considered by the public authority in question. That due regard must be exercised with substance and rigour and an open mind. Not just ticking boxes but integrated with the discharge of public functions of that authority. It is a non-delegable duty. Although another body may be authorised to carry it out on behalf of the authority they must retain in overall control of it. It is clearly a continuing duty and it is good practice for those exercising public functions in public authorities to keep an adequate record showing that they have considered disability equality duties and all the relevant questions.

#### Article 28

European Court of Justice (ECJ) has in many cases developed and explained the difference between general non-discriminatory conditions attached to the selling of goods in a member state and conditions attached as to product requirements and restricting the use of imported goods on the other hand.

The committee must consider therefore in respect of community law whether the maintenance of the licensing policy as is, requiring the turning circle, prevents or greatly restricts the use of the product, namely the Tepee Expert Chassis base.

It has been decided in the Lunt case that requiring the turning circle does prevent or greatly restrict the use of that product, therefore is in contravention of Article 28 of the EC Treaty, but that it does not act as a product prohibition because the chassis can be used in an ordinary people carrier vehicle or private hire vehicle. In other words the product was not completely prohibited for vehicle use, but for use as a hackney carriage.

If the turning circle is to be retained the committee would have to justify this requirement and a justification would have to be on the basis that it is for an achievement of a legitimate aim as per step 6 of the six step approach in relation to Section 21 of the Disability Discrimination Act. It is considered that any justification if it exists could only be that of the safety of the public.

Committee should also note that restrictions have to be proportionate and no more intrusive than required to give effect to a legitimate aim.

There is recent guidance which Justice Blake used in the Lunt case given by the European Commission summarising the case law of the European Court of Justice in a document entitled "Free Movement of Goods" prepared in May 2009. Section 6.1.2 Protection of Health and Life of Humans, Animals and Plants is the most popular justification under which member states usually try

to justify obstacles for the free movement of goods. Whilst the court's case law is very extensive in this area there are some principle rules that have to be observed.

The protection of health cannot be invoked if the real purpose of the measure is to protect the domestic market, even though in the absence of harmonisation it is for a member state to decide on the level of protection; the measures adopted have to be proportionate, ie restricted to what is necessary to obtain the legitimate aim of protecting public health. Furthermore measures at issue have to be well founded – providing relevant evidence, data (technical, scientific, statistical, and nutritional) and all other relevant information.

Justice Blake did not consider that the material put forward by counsel for Liverpool City Council as that relied on by the committee was sufficient for it to discharge its duty of justification.

- 1) In particular it was very unclear what expertise Mr Gore, the police force vehicle examiner, had to speak of the safety implications of turning circles and sliding doors. Examining a vehicle for roadworthiness or compliance with the regulations is not the same as comprehensive consideration of the merits or demerits of a particular design on safety grounds.
- (2) There is a distinction between confidence and lack of familiarity with the sliding door and real concerns for safety.
- (3) The fact that the E7 was used as a public hire taxi extensively in the UK without reported incident was a compelling source of relevant evidence that would have to be addressed. It was particularly notable to Justice Blake that no concerns have been reported in Liverpool itself resulting from the dropping off of passengers by E7 vehicles licensed in neighbouring authorities.

He agreed that the turning circle was useful for the avoidance of 3 point turns in narrow streets where someone seeks to specifically hail a passing taxi however where a particular assessment has been made as to the safety consideration of the issue, as it had been in the Edinburgh study Liverpool City Council would have had to consider whether it had a cogent basis for disagreeing with such evidence and why. If the issue was safety then the practice and experience of other authorities over a reasonable period of time cannot be ignored.

Lastly he said what should weigh in the balance of any discussion of justification on safety grounds were the clear safety benefits for the secure travel for all wheelchair users, irrespective of the dimensions of their chairs that could be apparently accommodated in the E7. It was common ground that travelling unsecured sideways in a cab is unacceptable. The introduction of the E7 alongside but not in

replacement of the TX was likely to make a substantial contribution to eliminating such practices.

Justice Blake quashed the original decision and ordered Liverpool City Council to reconsider the matter.



## Transport for London

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15 December 2005

### London Taxis – Conditions of Fitness

Transport for London's Public Carriage Office today issued the results of the Conditions of Fitness review for London's taxi industry.

The Conditions of Fitness are intended to ensure that all taxis operating in London are safe and fit for purpose.

In 2002, the Public Carriage Office undertook a full review of the Conditions of Fitness which was completed in June 2003. Some changes were made while other conditions remained the same. However three aspects were challenged by Allied Vehicles Limited and they are as follows:

- the turning circle requirement;
- the requirement that sliding doors are power assisted; and,
- the requirement for a one-piece rear window.

Following extensive research it has been decided to:

- retain the turning circle requirement;
- not require sliding doors, if fitted, to be power assisted;
- introduce a new Condition to address the issue of visibility into and out of taxis for the benefit of passengers and drivers.

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**MAYOR OF LONDON**

Roy Ellis, Head of the Public Carriage Office, said: "After a comprehensive review, it was found that the tight turning circle produced tangible significant benefits to the travelling public, and that these outweighed the advantages of removing it.

"Allied Vehicles alleged that the retention of the turning circle requirement led to fewer taxis, higher fares, less suitable taxis for the needs of the disabled and the unavailability of safer and more comfortable taxis to the disadvantage in general of passengers and drivers alike. The facts of these alleged disbenefits were not borne out by the research undertaken.

"Approximately 50 million U-turns and over 90 million other tight turns are performed by London taxis each year. If these U-turns were replaced by multi-point turns and other alternative complex manoeuvres, this could cause delay and impede other road users.

"Overall during this review, both passengers and drivers preferred the existing London Taxi."

**ends**

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