

## 9. Disability Act -Training for Licensed Drivers

REPORT OF: Tom Clark, Head of Regulatory Services.  
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Wards Affected: ALL  
Key Decision: No  
Report to: Licensing Committee  
18<sup>th</sup> September 2018

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### Purpose of Report

To seek the Committee's views about adding a condition to Mid Sussex District Council's Taxi Licensing Policy whereby attendance at Disability Awareness and Equality Act Training is compulsory for all current and new private hire and hackney carriage and forms part of the 'fit and proper person' test.

### Recommendations

**The Committee is asked to express a view whether this matter should be forwarded to Scrutiny Committee to consider endorsing a change in the Taxi Licensing Policy.**

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### Background

1. Private Hire and Hackney Carriage drivers frequently encounter passengers with various disabilities and Officers considered it necessary that all licensed drivers are aware of the needs of disabled passengers. Introducing Disability Awareness training as a pre-condition to obtaining a licence would benefit both the customer and driver.
2. Disability Awareness training provides drivers with a better insight on what it means to be disabled and what is required of them when undertaking their job. Current guidance on this matter suggests that it is no longer sufficient to acknowledge discrimination due to disability as unlawful but positive action needs to be taken to address such problems. By introducing compulsory training as a pre-condition it will go some way in addressing this.
3. We are all aware that disability is a complex matter and any training needs to cover the following as a minimum;
  - Deafness as regards communication
  - Visual Impairment
  - Learning Disability
  - Mobility Issues - different types of walking issues, appropriate types of vehicles, and wheelchairs/power chairs if appropriate
  - People with mental health issues
  - Working with assistance dogs
4. Existing drivers may claim that they are experienced in dealing with customers with disabilities, but there is no guarantee that what they are doing is appropriate either for the customer or driver. Recent complaints have demonstrated that there is poor practise across the trade and suggests that training is needed for existing and new drivers.

5. The Equality Act 2010 focused on the needs of people with protected characteristics, which includes disabilities. Public bodies, including local authorities, have a lawful duty of regard to:
  - a. eliminate unlawful discrimination, harassment and victimisation;
  - b. advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - c. foster good relations between people who share a protected characteristic and those who do not.
6. The Department for Transport's recently published Draft Accessibility Action Plan, described refusals of assistance dogs by taxi and PHV drivers as "unacceptable and illegal", noting the serious impact of refusals on people's confidence and ability to live independently. The plan commits the UK Government to publish best practice guidance for licensing authorities, recommending that disability equality training be mandated in their licensing policies.
7. The Licensing Team has received complaints about drivers refusing to take disabled passengers and those with assistance dogs. To date the Council has prosecuted two drivers for refusing to take assistance dogs and partially sighted passengers, another one is being considered for court proceedings. In addition two drivers were placed before the Licensing Committee for failing to transport a wheelchair bound passenger. There is a similar case pending.
8. The process to train current and new drivers will be via a Council approved external training company at the drivers expense. If this amendment is accepted as policy it is anticipated that current drivers would be given twelve months to get themselves trained. New drivers would be under an obligation to become trained within twelve months of being licensed. Failure to do so will result in the driver appearing before the Licensing Committee to determine whether he/she is still a fit and proper person to hold a licence.
9. The proposed amendment is as follows ;

Insert after Paragraph 5.15 Mid Sussex DC Taxi licensing Policy

*All new applicants and current licensed drivers are required to undertake recognised Disability Awareness and Equality Act training in relation to disabled and vulnerable passengers as part of their professional development. The Training will be organised by MSDC and delivered through a provider of their choice. This is to ensure that all drivers operate to a consistent standard and are able to provide a safe and suitable level of transport service to disabled and vulnerable passengers.*

*Disability awareness training for all new drivers must be undertaken within 12 months from the date of issue of the licence.*

*Existing MSDC licensed drivers that have not previously undergone recognised Disability awareness training must attend a session within 12 months from implementation of this revised policy.*

*Failure to attend this training during the timescales outlined above will result in the driver being required to attend the Licensing Committee to explain why he has missed the training and why he should continue to be regarded as a 'fit and proper person to hold a licence'.*

## **Background Papers**

Mid Sussex District Council Taxi Licensing Policy

<https://www.midsussex.gov.uk/media/1186/taxi-licensing-policy.pdf>

The Equality Act 2010 Part 12, Chapter 1

<http://www.legislation.gov.uk/ukpga/2010/15/part/12/chapter/1>