

Non-Statutory Licensing Committee

27 May 2020

Report title	Evaluation of Taxi & Private Hire Services Mystery Shopper Exercise	
Wards affected	All	
Accountable director	Ross Cook, Director for City Environment	
Originating service	Licensing Services	
Accountable employee	Dean Ball Tel Email	Acting Service Lead - Compliance 01902 550150 dean.ball@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendation for decision:

The Non-Statutory Licensing Committee is recommended to:

1. To approve the extension of the Mystery Shopper Exercise in relation to private hire and hackney carriage licensed vehicles.

Recommendation for noting:

The Non-Statutory Licensing Committee is asked to:

1. Note the evaluation of the Mystery Shopper Scheme at Appendix 1.

1.0 Purpose

- 1.1 To inform Councillors of the findings of an evaluation report into the operation, usage, accessibility and equal access provided to people who are physically disabled when using Hackney Carriages and Private Hire Vehicles.
- 1.2 To obtain endorsement from Councillors for the extension of the Mystery Shopper Exercise to include individuals who identify as having a protected characteristic as defined under the Equality Act 2010.

2.0 Background

- 2.1 In 2008, as a result of feedback from members of the public and complaints received, Licensing Services and Public Protection undertook an exercise to evaluate the provision of Hackney Carriage Services to disabled customers within Wolverhampton.
- 2.2 The evaluation of the Taxi Mystery Shopper Scheme in 2008 highlighted that many Hackney Carriage Drivers were unaware of the appropriate understanding or techniques to assist passengers with physical disabilities. As a result, Licensing Committee resolved to endorse the proposal for the training of drivers of Hackney Carriages in respect of disability awareness.
- 2.3 On 1 October 2010 the Equality Act 2010 came into force bringing together 116 separate pieces of legislation, including the Disability Discrimination Act 1995. The Equality Act included many of the taxi and private hire vehicle provisions which were in the Disability Discrimination Act 1995, but it also includes some important changes.
 - Sections 160 to 173
Relate specifically to disabled persons and taxis and private hire vehicles.
 - Sections 165 and 167 (came into effect on 6 April 2017).
Section 165 imposes legal duties on the driver of a designated hackney carriage and private hire vehicle which has been hired by or for a disabled person in a wheelchair, or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.
 - Section 167 allows licensing authorities to maintain a list of “designated vehicles”, that is, a list of wheelchair accessible taxis and private hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165. Licensing Services does maintain a list of designated vehicles.
 - Section 168 of the Equality Act 2010 imposes duties on the drivers of Taxis and Private Hire Vehicles when their vehicle has been hired by either a disabled person who is accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog.

- Section 170 of the Equality Act 2010 states that an operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person and the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.

2.4 Considering the provisions of the Equality Act 2010 and the length of time since the last evaluation exercise, Licensing Services, between December 2019 and February 2020, carried out a new exercise to evaluate the provision of Hackney Carriage and Private Hire Services to disabled customers within Wolverhampton.

3.0 Mystery Shopper Exercise

3.1 The evaluation took place through a 'Mystery Shopper' exercise across all areas of Wolverhampton. This involved volunteers from local disability groups, Council employees and an Officer from West Midlands Police undertaking journeys in Hackney Carriages and Private Hire Vehicles. The method of booking the journeys included telephone and App bookings for Private Hire Vehicles and selecting vehicles from the Hackney Carriage ranks.

3.2 At the end of each journey the volunteers completed a questionnaire to ascertain their views on the journey in order that the Council could evaluate whether the level of service was of an appropriate standard.

3.3 The evaluation of the Taxi and Private Hire Services Mystery Shopper Scheme is attached at Appendix 1 of this report.

4.0 Recommendations

4.1 That Councillors note the evaluation of the Taxi and Private Hire Services Mystery Shopper Scheme.

4.2 That Councillors approve the extension of the Mystery Shopper Exercise to evaluate the operation, usage, accessibility and equal access provided to individuals who identify as having a protected characteristic as defined under the Equality Act 2010.

5.0 Financial implications

5.1 Approval to extend the Mystery Shopper Exercise will incur costs in order to cover the price of the taxi and private hire journeys undertaken by the volunteers. This is business as usual and therefore no additional budget is required.

6.0 Legal implications

- 6.1 The law governing the licensing of Hackney Carriage and Private Hire vehicles is largely contained within The Town Police Clauses Act 1847, as amended and the Local Government (Miscellaneous Provisions) Act 1976.
- 6.2 Hackney Carriage and Private Hire Vehicle drivers fall into the category of a “service provider” under the Equality Act 2010. Service providers are prohibited from discriminating against, harassing and victimising persons who possess protected characteristics.
- 6.3 Hackney Carriage and Private Hire licensing is a non-executive function and it is therefore the responsibility of Licensing Committee to determine the policy and procedures in respect of this matter.

[RP/06032020/A]

7.0 Equalities implications

- 7.1 No Equalities Impact Assessment has been produced for this initiative, however the findings of the scheme will be used in future to assist with reviews of existing Equalities Impact Assessment for Hackney Carriage and Private Hire policies.

8.0 Climate change and environmental implications

- 8.1 There are no direct climate change and environmental implications arising from this report.

9.0 Human Resources implications

- 9.1 There are no Human Resources implications.

10.0 Corporate Landlord implications

- 10.1 There are no Corporate Landlord implications.

11.0 Covid Implications

- 11.1 The mystery shopper exercise was undertaken prior to the Covid-19 pandemic. Any future exercises will be undertaken only when it is safe to do so, with the appropriate infection control measures in place.

12.0 Schedule of background papers

- 12.1 Licensing Committee - 19 November 2008. Evaluation of Taxi Mystery Shopper Exercise.

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