

Cabinet

10 OCTOBER 2011

**DEPUTY LEADER (+
ENVIRONMENT AND
ASSET
MANAGEMENT)**

*Councillor Nicholas
Botterill*

**CABINET MEMBER
FOR CHILDREN'S
SERVICES**

*Councillor Helen
Binmore*

**CABINET MEMBER
FOR COMMUNITY
CARE**

*Councillor Joe
Carlebach*

**CABINET MEMBER
FOR RESIDENTS
SERVICES**

Councillor Greg Smith

CONTRIBUTORS

ADCHS
ADH&F DIRECT
ADLDS
DFCS

**HAS A EIA BEEN
COMPLETED?
YES (available
electronically)**

**HAS THE REPORT
CONTENT BEEN
RISK ASSESSED?
YES**

**PROPOSED CHANGES TO THE TAXICARD
SCHEME**

Since 2009, the demand for Taxicards has been increasing across London and it is expected that this trend will continue. In addition to this trend, Transport for London (TfL) are changing the methodology for the distribution of funding for Taxicards across London boroughs. As a result, the TfL contribution to the Hammersmith and Fulham Taxicard scheme will reduce from £463,696 to £296,512 by 2014/15.

This report seeks approval to a number of changes to the Taxicard scheme.

The proposals have taken into consideration the views expressed in the public consultation which took place between 25 March 2011 and 6 May 2011.

Taxicard users are only eligible because of their disability and therefore the decision to make changes to the scheme needs to consider the relevant equality impact analysis submitted alongside this document and must give due regard to the public sector equalities duties.

Recommendations:

- 1. To increase the minimum user charge by £1 per trip from £1.50 to £2.50 from January 2012.**
- 2. To reduce the Council's subsidy contribution by £2 per trip from January 2012.**
- 3. To expand the automatic eligibility criteria and remove non-automatic eligibility from January 2012, as set out in paragraph 4.1.**

**Wards:
All**

- 4. In response to the public consultation, to maintain double swiping until April 2014.**
- 5. In response to the public consultation, to maintain the current annual trip limit until April 2014 when a monthly trip limit of 8 trips per month, as set out in paragraph 3.4, will be introduced.**
- 6. To review the eligibility of Taxicard users and to send the Taxicard database to the national fraud initiative every two years.**
- 7. To carry over any unused contingency in the Taxicard scheme budget until 2014/15.**
- 8. That the Leader transfers Cabinet responsibility for the Taxicard scheme from the portfolio of the Cabinet Member for Children's Services to the portfolio of the Cabinet Member for Residents Services under the Council's Scheme of Delegation.**
- 9. That the Leader transfers responsibility for the Taxicard scheme from the Director of Children's Services to the Director of Finance and Corporate Services under the Council's Scheme of Delegation.**

1. BACKGROUND

- 1.1. The Taxicard scheme is a discretionary pan-London transport scheme that provides subsidised door-to-door transport for people who have a serious and long-term mobility impairment and difficulty in using public transport. The scheme is intended to facilitate a degree of local travel and is not intended to meet all of the transport needs of residents with serious and long-term mobility impairments. The scheme, jointly funded by London boroughs and Transport for London (TfL), is co-ordinated and administered by London Councils. Over the last 10 years the scheme has grown considerably year on year and it was estimated that in 2010/11 the 96,000 Taxicard users made almost two million subsidised Taxicard journeys in London, costing almost £20 million.
- 1.2. From 2011/12 TfL have made changes to the way it distributes funding to participating boroughs. This will see a significant reduction in the funding allocated to the London Borough of Hammersmith and Fulham ('the Council') over the next four years as the new funding scheme is phased in. The redistribution of TfL's Taxicard funding will use a formula based upon the number of Higher Rate Mobility Component of the Disability Allowance claimants, the number of residents over 65 and, the number of active Taxicard users in each borough.
- 1.3. In addition, London Councils have stated that they will no longer cover the costs of overspend and instead this will have to be met by individual boroughs, who will be financially responsible for the operation of the scheme for their residents.
- 1.4. The current financial climate, coupled with reductions in TfL funding, requires Cabinet to balance the Council's financial position whilst giving due regard to their public sector equality duties. The Council has committed to making no reductions in its contribution to the Taxicard scheme, despite a number of efficiencies being made elsewhere. The report recommends making changes to how the scheme currently operates in order to address the predicted overspend as a result of a reduction in TfL funding. Whilst the scheme provides specific assistance, there are no stated objectives against which to establish its success, or otherwise. This report proposes some changes to the operation of the scheme which requires an additional contribution from users, whilst ensuring that the Taxicard scheme continues to reach disabled people. Taxicard membership and user activity continues to rise and changes to the scheme, recommended in this report, have taken this into account in determining the financial implications for the Council. There have been no material changes to the operation of the scheme in 15 years.
- 1.5. London Councils proposed a number of changes to the scheme that boroughs could implement in order to reduce the potential overspend.

These suggestions provided a framework of options which were used in the consultation process.

- 1.6. The Council undertook a consultation which was held between 25 March and 6 May 2011 with existing Taxicard users to capture their views on potential changes, in order to inform the recommendations.
- 1.7. Whilst changes are being considered for the delivery of the Taxicard scheme it is also proposed that management of the Taxicard contract and budget is transferred out of the Children's Services Department and managed by the same team in H&F Direct (Finance & Corporate Services Department) that operates the Blue Badge and Freedom Pass scheme, given the profile of users.
- 1.8. Changes to the Taxicard scheme have been recommended in consultation with the Cabinet Member for Community Care.

2. SUMMARY OF THE SCHEME

The Taxicard scheme provides people with a serious and long term mobility impairment (who therefore have difficulty using public transport), with subsidised taxi journeys. Individuals on this scheme make journeys in London taxis and private hire vehicles at a subsidised rate, which applies to each trip made. The Taxicard scheme is intended to be used as a contribution towards local travel (e.g. shopping and social visits) but is not intended to meet all the transport needs of users. Each approved service user receives a total of 104 trips per annum and the current scheme allows for double swiping (i.e. using two journey credits to travel one longer journey). No further journeys are approved beyond the 104 allocated and no trips can be carried over to the following year.

2.1 Profile of Users

- 2.1.1 H&F currently has 2,345 Taxicard users (according to London Councils' database at the end of 2010/11). 1,113 (47%) of these are 'active users' of the scheme, defined as using greater than 12 trips in a year. 64% of users are over 65 and 1661 (71%) are known to H&F social care services. 64% of current Taxicard users are women. Only 3.6% of users are under 25. A range of different ethnic groups are currently accessing the scheme. A full breakdown of the demographic profile of users is available in Appendix 1. Existing users, on average, use 29 journeys per year (or 59 per active user). There are, on average, 17 new users per month.

2.2 Eligibility Criteria

2.2.1 In H&F, applications from individuals with evidence of one of the following are automatically accepted on to the scheme (further explanations are provided in Appendix 2):

- a) Higher rate mobility component of disability living allowance
- b) War pension mobility supplement
- c) Registered severely visually impaired or blind

Of the 2,345 users (according to London Councils' database) 827 (35%) are automatically eligible for the scheme.

2.2.2 There is a fourth, non-automatic, category for applicants where none of these three conditions apply. This requires a doctor's medical assessment form, outlining the applicant's conditions and reasons for requiring a Taxicard. Currently, these applications are reviewed by the Corporate Travel Procurement Unit in the Children's Services Department.

2.3 Current budget and changes in funding

2.3.1 The H&F Taxicard budget is £206,800 per year, which includes a management fee of £9,645 paid to London Councils to operate the scheme. This budget contribution has not changed for a number of years and H&F are committed to maintaining this level of contribution despite the current financial position that has required efficiencies to be made elsewhere. In addition, H&F receive top-up funding from TfL.

2.3.2 In 2010/11 the H&F Taxicard scheme overspent by £1,901, which was covered by London Councils through underspends in other boroughs. This overspend is the result of an increase in membership, which is predicted to continue as the scheme becomes more popular. London Councils have stated that they will not continue to cover overspends in the future and instead this will have to be met by the individual borough.

2.3.3 Additionally, from 2011/12 TfL has re-distributed its funding to participating boroughs. H&F has benefited from a large share of TfL top-up funding in previous years, which equates to nearly 70% of the total local budget. The new funding formula from 2011/12 is based on the number of residents eligible for the higher rate mobility component of disability living allowance (one of the automatic eligibility criteria for the scheme), the number of residents aged over 65, as well as the number of current users. In order to mitigate the impact on boroughs, the funding changes will be introduced incrementally over the next four years. This will see a reduction from the 2010/11 contribution of £463,696 to a contribution of £269,512 by 2014/15. Continuing to run the scheme in its current form will lead to a predicted overspend

(based on current user activity) of £67,183 for this financial year (2011/12) rising to an overspend of £375,592 in 2014/15.

2.3.4 The table below outlines the predicted overspend if H&F does not implement any changes to the Taxicard scheme. The predicted overspend is based on current user activity as well as allowing for an increase in membership, which reflects the recent trends. From 2011/12 H&F will be responsible for covering this overspend. A 12.9% average month on month increase in membership has been identified over the last 18 months.

2.3.5 The Council could increase funding for the scheme from its core budget but would need to determine this as a priority over other public services. In the current financial climate the Council does not believe it can commit additional resources to the Taxicard scheme away from other areas of necessary spend. The financial pressure on the Council has been compounded by the TfL reduction in funding. These have been considered in the recommendations put forward in section 7.

Table 1: H&F Taxicard scheme budget and projected overspend for 2010–2015

| | | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15 |
|---|---|----------------|-----------------|------------------|------------------|------------------|
| A | Total H&F budget for Taxicard scheme | 206,800 | 206,800 | 206,800 | 206,800 | 206,800 |
| B | TfL's contribution to the H&F Taxicard scheme | 463,696 | 446,633 | 414,843 | 354,794 | 296,512 |
| C | Total Budget for H&F Taxicard scheme (A+B) | 670,496 | 653,433 | 621,643 | 561,594 | 503,312 |
| D | Actual/ projected spend based on 2010/11 activity (plus a projected total net membership increase of 12.9%) | 672,397 | 720,616 | 769,927 | 822,613 | 878,904 |
| E | Actual/ projected overspend based on 2010/11 activity (C – D) | (1,901) | (67,183) | (148,284) | (261,019) | (375,592) |

3. RECOMMENDATIONS FROM LONDON COUNCILS

On the 11th of November 2010, the Transport and Environment Executive Sub Committee meeting¹ (London Councils) recommended that participating boroughs should agree to a number of changes, outlined in the Taxicard budget report, in order to address the pan-London budget overspend projected for 2010/11 and the changes to TfL's budget allocation. A number of boroughs subsequently implemented these proposals (see Appendix 4 and comments below). In H&F, a Leader's Urgent Decision, in December 2010, gave permission for H&F to consult with Taxicard users regarding the possible changes to the scheme. The consultation involved a written questionnaire and a series of focus groups with users. Further details are provided in section 5 of this report. London Councils' recommendations are outlined below and were given as options in the consultation.

3.1 **Increase the minimum user charge per trip by £1.00 (from £1.50 to £2.50)**

The minimum user charge is the amount that a Taxicard user pays towards each trip taken (London Councils' TEC Committee Executive, 11th November report). The minimum user charge per trip is currently set at £1.50. As of August 2011, 28 out of 31 London boroughs running the scheme (excluding H&F) now have a minimum user charge of £2.50 (90%) (see Appendix 4).

- 3.1.1 H&F has estimated that increasing the minimum user charge by £1 would create a saving of £53,386 per year. This was the most preferred option noted in consultation responses and the focus groups. It is recommended that Cabinet increase the minimum user charge by £1 per trip from January 2012.

3.2 **Reduce the maximum subsidy per trip by £2.00**

The trip subsidy is the maximum amount that funders pay towards a Taxicard user's trip. If the taxi meter exceeds the subsidy combined with the minimum user fare then the Taxicard customer pays the balance. The maximum subsidy tariffs are currently set at the following rates:

a) £10.30 (journeys taken between 6.00am and 8.00pm Monday to Friday)

b) £11.30 (journeys taken between 6.00am and 8.00pm Saturday to Sunday and between 8.00pm and 10.00pm Monday to Sunday)

c) £12.80 (journeys taken between 10pm and 6am Monday to Sunday).

¹ http://www.londonCouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4235

As of August 2011, 27 out of 31 London boroughs running the scheme (excluding H&F) have reduced the subsidy rate (87%) (see Appendix 4).

3.2.1 The H&F financial prediction identifies a saving of £83,110 per year if the maximum subsidy (for each tariff rate) is reduced by £2. This option was not the most preferred option by respondents to the consultation or in the focus groups, although it was also not the least preferred option. It is likely that users who prefer to use their Taxicard for longer journeys were more concerned by this change. By reducing the subsidy, users making shorter journeys will not be affected. In addition, delaying ending double swiping until April 2014 (see below) will reduce the initial impact of reducing the maximum subsidy for users. It is recommended that Cabinet agrees to reduce the Council's subsidy contribution by £2 per trip from January 2012.

3.3 **End double swiping**

Double swiping means that users can use two subsidies together in one journey and therefore travel a further distance. For a longer journey, double-swiping allows two subsidies to be used together (a current maximum of £20.60 for one trip) at a cost to the customer currently of just £3.00 (£1.50 per 'swipe'). Thus, at present, a customer can travel up to £23.60 on the meter for a payment of £3.00. Ending double swiping would mean that only one subsidy can be used for the entire trip and the Taxicard user would pay the remaining amount for longer journeys. As of August 2011, 15 out of 31 London boroughs running the scheme (excluding H&F) do not allow double swiping (48%). 16 boroughs still allow users to double swipe (50%), although some of these boroughs may still be in the process of consulting with users regarding the suggested changes (see Appendix 4).

3.3.1 In 2010, 16% of all trips made were double swiped. Assuming current user activity, ending double swiping would generate a saving of £74,872. Ending double-swiping will not lead to a reduction in trips overall and customers can still use their single trips for future journeys. It should be noted that the current budget for the Taxicard scheme does not reflect the cost of all allocated trips for every user and the Council is not charged for any allocated trips that are not used. It is possible that some users would make more single trips, which would reduce the level of financial saving identified.

3.3.2 Removing double swiping was the least preferred option from the consultation and focus groups. Additionally, the Hammersmith and Fulham Disability and Consultative Forum's response to the consultation noted that users strongly supported keeping double swiping. Ending double swiping would not mean that users would not be able to travel longer distances but instead the additional cost would have to be met by the individual.

3.3.3 It is recommended that double swiping is retained for the benefit of users until April 2014. Officers have taken into consideration the responses to the public consultation and have therefore recommended that double swiping is retained for as long as possible within the approved budget. It is recommended that ending double swiping is implemented from April 2014, when the reduction in funding from TfL and level of predicted overspend is most severe.

3.4 **Reduce Taxicard Users' Trip Limits**

H&F currently allocates users 104 trips per year. The consultation proposed reducing this number to 8 per month, with no roll-over (96 per year).

NOTE: There was a mistake in the consultation document (see appendix 6, question 5) which proposed that the monthly limit of 8 trips would result in an annual limit of 98 trips rather than 96. This may have been misleading to the respondents and underestimated the impact of this change. Cabinet should be aware of this mistake when considering their decision.

3.4.1 It is estimated that applying monthly trip limits (8 per month with no roll over) would save £18,939 per year. The focus groups noted that some users were in favour of monthly trip limits as it would help them to control their usage throughout the year. However, applying monthly trip limits reduces the flexibility of the scheme for the target group and, although monthly trip limits might be appropriate for some users, this would not suit everyone. One respondent to the consultation, stated that "the scheme should be flexible as people with different disabilities have different needs."

3.4.2 It is recommended that an annual trip limit is retained for the benefit of users until April 2014. Officers have considered the results of the public consultation and have recognised that applying monthly trip limits is likely to impact on the flexibility of the scheme for users. It is therefore recommended that an annual trip limit is retained for as long as possible within the approved budget. It is recommended that monthly trip limits are introduced from April 2014 when the reduction in funding from TfL and level of predicted overspend is most severe.

4. **ADDITIONAL RECOMMENDATIONS FROM H&F**

Alongside the changes suggested by London Councils, H&F have considered additional changes to the scheme. Some of these changes were part of the consultation whilst others were informed by consultation responses from Taxicard users.

4.1 **Enhance the automatic eligibility whilst restricting the non-automatic eligibility.**

In order to ensure that the Taxicard remains available for disabled residents, this report recommends expanding the automatic eligibility criteria to ensure the scheme better targets disabled residents, whilst removing the non-automatic criteria. Officers recommend expanding the eligibility criteria to include residents that are:

- a) receiving higher rate mobility component of disability living allowance
- b) and/or receiving war pension mobility supplement
- c) and/or registered severely visually impaired or blind
- d) and/or receiving higher rate attendance allowance
- e) and/or have an H&F Blue Badge

Previously only a) b) and c) were valid for automatic eligibility. A full definition of each of these criteria is available in Appendix 2.

- 4.1.1 The higher rate attendance allowance (d) is provided to all residents over the age of 65 who need someone to help look after them because they have a physical or mental disability. Given the profile of current users it is recommended that this group is automatically eligible.
- 4.1.2 The eligibility for an H&F Blue Badge (e) includes a mobility assessment, usually carried out by a physiotherapist or occupational therapist. The assessment includes a physical assessment of the individual's ability to walk 70 metres, measuring gait, speed, pain and breathlessness. The assessment also includes a number of questions about the applicant's medical condition and history, their transport usage and needs, and their mobility. Respondents to the consultation identified a need for a robust and fair assessment to determine eligibility. Officers have considered the response to the consultation from the Hammersmith and Fulham Disability and Consultative Forum that recognises that "people on Taxicard in practice would not be able to walk the minimum of 400 metres needed to get to the average bus stop." An appeals process will be available for those users who do not meet the automatic eligibility and are able to walk over 70 metres, but have mobility issues and live much further from public transport and therefore may consider themselves eligible for support.
- 4.1.3 Additionally, it is recommended that the scheme is managed by H&F Direct who would have knowledge of alternative providers of services and would therefore be able to signpost residents to other providers if they are no longer eligible for a Taxicard or need a greater level of service. It is therefore recommended that residents eligible for an H&F Blue Badge, which includes a mobility assessment, will be automatically eligible for a Taxicard. Those residents that are deemed not eligible under the mobility assessment but believe they should be entitled to a Taxicard would be able to appeal the decision as detailed in 4.1.8 below.

- 4.1.4 There is a further rationale for a clear link to Blue Badges. Blue Badge eligibility and criteria for assessment are long established, are based upon legislation and there is clear guidance from the Department for Transport. This will give the Taxicard scheme eligibility criteria more substance based upon established principles.
- 4.1.5 35% of all users are currently automatically eligible for the Taxicard scheme. Another 13% of all current users are receiving higher rate attendance allowance, which under the new criteria would mean they are automatically eligible for the scheme. Additionally, of the 1,713 Taxicard users that have used their Taxicard at least once in the last year, 514 have declared that they also have an H&F Blue Badge. These users would also be automatically eligible.
- 4.1.6 Whilst it is recommended that the automatic criteria is expanded the report recommends that the non-automatic criteria, currently a doctor's medical form, is removed. Based on the figures available, officers estimate that removing the doctor's note would mean that 211 active users are no longer eligible for the Taxicard scheme. This figure has been calculated using the number of current users that applied using a doctor's note, minus an estimate of the number of users that would now be eligible under the proposed automatic eligibility criteria. Officers do not know whether the 211 users that would no longer be eligible would consist of any group in particular. Officers note that by expanding the eligibility criteria and removing the non-automatic eligibility, the changes to the scheme aim to ensure services for disabled people reach disabled people. This would generate a predicted annual saving of £127,594. Officers have noted that a doctor's medical assessment was the most preferred option for non-automatic criteria noted by respondents to the consultation. This feedback has been considered by officers; however, officers recommend **not** continuing with the doctor's medical assessment form for the following reasons:

(1) the doctor can charge £25 for the form to be filled out

(2) the Department for Transport (DfT) for the Blue Badge scheme has advised that: "When a medical opinion is needed, the DfT strongly recommends that independent health professionals, such as physiotherapists and occupational therapists, should undertake these assessments. The DfT views the widespread practice of using an applicant's GP to verify that an individual meets the criteria for a Blue Badge as wholly unsatisfactory in the vast majority of cases, as it can compromise the doctor/patient relationship and create inconsistency of assessment. Occupational therapists or physiotherapists are often best placed to assess eligibility due to

their professional knowledge of mobility. [[The Blue Badge Scheme Local Authority Guidance \(England\)](#)²]

This evidence supports the proposal to include the Blue Badge within the automatic eligibility criteria.

- 4.1.7 As noted above, doctors currently charge for a medical form to be completed to support the Taxicard application. H&F does not currently charge any administrative fee for issuing a Taxicard. In future, Cabinet could consider a fee for issuing a Taxicard. This decision would have to be made in consultation with users and London Councils, who currently manage the scheme.
- 4.1.8 During the transition process, it is proposed that all existing users are reassessed according to the revised eligibility criteria and those users that are no longer eligible for a Taxicard will be informed in writing and provided with a two month notice period. Current users who hold a Blue Badge will be automatically eligible for a Taxicard. Other users will have the option of applying for a Blue Badge if they meet the eligibility criteria, which will then enable them to be eligible for a Taxicard. If there is a change in the user's circumstances they will have the option to reapply or to appeal the decision in writing using the existing Taxicard appeals process. It is proposed that, following the transition process, the framework for appeals for new applicants will be aligned with the Council's Blue Badge appeal process, managed by the Head of Service for Blue Badges & Freedom Passes (Finance and Corporate Services).
- 4.1.8 Additionally, officers propose **not** to implement means testing for applicants. This supports the consultation responses as well as information provided at focus groups. Officers also recognise that the implementation of such criteria would be very costly.
- 4.2 **Ensure users are fully informed about how the scheme operates, particularly with regards to fares and charges, and lobby London Council to improve the service for users**
- 4.2.1 Through the consultation, a number of Taxicard users made complaints about the current service. Many respondents noted that taxi drivers often turn up with a high fee on their meters before setting off. Pre-ordered taxis include a run-in charge. The run-in charge refers to the maximum amount a driver is allowed to have on his meter when he arrives to pick up a user. London Councils have confirmed that the maximum run-in for H&F users is £3.40. Despite this, a number of users have suggested that the amount on the meter at the start of the journey is often much higher (respondents have quoted between £4 and £8, see Appendix 5).

² <http://assets.dft.gov.uk/publications/blue-badge-scheme-local-authority-guidance/blue-badge-scheme-local-authority-guidance.pdf>, accessed on 25/8/11

4.2.2 London Councils currently hold a contract with Computer Cab for the Taxicard scheme, which has been extended to March 2012. With regards to the run-in charge it is recommended that Finance and Corporate Services together with other London Boroughs lobby London Councils to improve the monitoring and quality of their contract with Computer Cab. In addition, it is suggested that when a user is issued with a Taxicard they are provided with clear information about the maximum run-in charge and a contact number to call if the taxi turns up with a higher fare.

4.2.3 In addition, Taxicard users noted that it often takes them longer to get into the taxi due to their disability and the meter is ticking throughout. As a result, much of the Taxicard subsidy has already been used before the journey has started. This is important when considering the impact of ending double swiping; if less is on the meter at the start of the journey a user is less likely to need to double swipe. It is recommended that information should also be provided to users to inform them that the taxi will start charging from the moment it arrives at the pick up point and therefore users should ensure they are ready at the arrival time to avoid any unnecessary charges.

4.3 Ensure that the scheme can be used for its intended purposes and attempt to support improvements in hospital transport as an alternative to the Taxicard for healthcare trips

4.3.1 From the consultation and focus groups it was clear that the majority of H&F Taxicard users are using their card for health care purposes, despite NHS provision being available. It is suggested that when users are issued a Taxicard they are also provided with sufficient information about NHS transport so that disabled residents can have access to the full range of transport available.

4.3.2 A number of Taxicard users commented that the reason they used their taxicard for hospital visits was because the NHS provision available took too long to get to the required destination, was unreliable and that they could not guarantee that they would make their appointment in time. It is suggested that these complaints are passed onto the NHS transport team and a discussion about possible improvements to the NHS service and/or the potential of aligning provision with the Taxicard scheme is considered.

5. CONSULTATION AND ENGAGEMENT

5.1 The consultation on the proposed changes to the Taxicard scheme took place between 25 March 2011 and 6 May 2011. The public consultation included a questionnaire sent by post to all users of the H&F Taxicard scheme. The full questionnaire and the letter sent to users is available at Appendix 6. Of the 2,336 users (at the start date of the consultation), 909 Taxicard users responded by post; nobody filled out the questionnaire

online. Officers were informed that about 20 users had passed away or moved to another borough. Removing these from the total number of users means that the overall response rate is 39%. However, if we assume that most individuals who responded to the questionnaire would be active users it is likely that the response rate would be much higher. This high response rate appears to indicate the popularity of the scheme. The full results are available at Appendix 7 for consideration by Cabinet. Some comments have been redacted to maintain the anonymity of respondents. A response to the consultation was also provided by the Hammersmith and Fulham Disability and Consultative Forum and has been provided in Appendix 8. Specific points raised in this response have informed this report, for example at 4.1.2.

5.2 The public consultation also included a number of focus groups. The following groups were asked to attend and/or host a focus group (see Appendix 9 for a timeline of focus groups):

- H&F day centres
- Hammersmith and Fulham Action on Disability (HAFAD)
- Better Government for Older People (consultative forum)
- Age UK
- Citizens Advice Bureau
- Hammersmith and Fulham Disability and Consultative Forum

The focus groups included Taxicard users and their carers, potential users and forum members.

5.3 The consultation asked users about the range and importance of subsidised transport schemes available to residents with a serious mobility impairment. 61% of respondents rated the Taxicard scheme as the most important transport scheme although the scheme is not intended to meet all the transport needs of eligible users. This was repeated in the focus groups. At the Sunberry Independent Living focus group held on 13 April 2011, everyone said that Taxicard is/would be the best of all the transport services and carers actively encouraged people to use their Taxicard so that they would not lose touch with society and the wider community.

5.4 Respondents were asked to rate possible changes to the scheme. 62% of respondents voted not to make any changes to the scheme as their most preferred option. As all of the other options listed were cost-saving options, it is surprising that this percentage was not higher. A number of the additional comments demonstrated that users recognised that some changes to the scheme would be acceptable. Changes to the eligibility criteria (see 4.1) was more preferred than the changes suggested by London Councils (see 3); 32% rated changes to eligibility as their most preferred option compared to 7% for changes to how the scheme operates. 71% of respondents put their least preferred option as 'to no longer run the scheme'. This report does not recommend this as an option.

5.5 Respondents were asked to rate the changes suggested by London Councils in order of preference. The most preferred change was to increase

the minimum user charge by £1 with 52% of respondents rating this as their most preferred change. The least preferred change was to end double swiping, with 36% of respondents rating this as their least preferred change. At the Better Government for older people and Hammersmith and Fulham Disability and Consultative Forum focus group there was a strong consensus to retain double swiping. Keeping double swiping was also supported in the Hammersmith and Fulham Disability and Consultative Forum's formal response to the consultation (see Appendix 8).

- 5.6 In terms of changes to eligibility, 52% of respondents, a small majority, agreed that the scheme should be limited to the current automatic eligibility criteria. When considering non-automatic eligibility 48% identified a doctor's medical assessment form (currently used) as the most preferred method of assessment for non-automatically eligible applicants. This is followed by higher rate attendance allowance (35%) as the second most preferred method and mobility assessments (23%) the third most preferred option. Overall means testing was not supported by respondents.
- 5.7 In the comments from respondents the most repeated suggestion was to introduce the changes gradually. This is supported by the recommendations in this report. In addition, it was recognised that the scheme needs to be as flexible as possible. At the Better Government for older people and Hammersmith and Fulham Disability and Consultative Forum focus group there was a discussion about how needs vary over the year and that the scheme needs to be used flexibly. The need for flexibility and gradual implementation is recognised in the recommendations to delay implementation of ending double swiping and introducing monthly trip limits until April 2014. It was noted that users require a suitable notice period before changes are implemented, which is identified in the proposed implementation plan detailed in section 8.2.

6. PROJECTED BUDGET

- 6.1 Table 2 below illustrates the financial implications of implementing the immediate recommended changes; increasing the minimum user charge, reducing the subsidy and amending the eligibility criteria from January 2012. Table 3, details the financial implications of implementing all of the recommendations including ending double swiping and applying trip limits up front. Table 4 details the impact of the two stage approach, as recommended in this report. This recommendation would see double swiping and annual trip limits retained, for the benefit of users, until April 2014, when the reduction in funding from TfL and level of predicted overspend is most severe (see tables below).
- 6.2 As noted previously, the assumption regarding the level of saving attached to each of the proposed changes is based on current user activity, factored down by a percentage of 19% to allow for the

estimated reduction in membership following a review of the eligibility criteria.

Table 2: Projected spend if only recommendations 1, 2 and 3 are implemented from January 2012

| | | 2011/12 | 2012/13 | 2013/14 | 2014/15 |
|---|------------------------------------|----------------|----------------|-----------------|------------------|
| | Projected Overspend | (67,183) | (148,284) | (261,019) | (375,592) |
| | Contingency | | (15,000) | (30,000) | (50,000) |
| | Total overspend | (67,183) | (163,284) | (291,019) | (425,592) |
| Financial impact of the proposed changes | | | | | |
| A | Increase Minimum user charge by £1 | 13,346 | 53,386 | 53,386 | 53,386 |
| B | Reduce Maximum subsidy by £2 | 20,778 | 83,110 | 83,110 | 83,110 |
| C | Amendments to Eligibility Criteria | 31,899 | 127,594 | 127,594 | 127,594 |
| D | Projected Variance | (1,160) | 100,806 | (26,929) | (161,502) |

Table 3: Projected spend if the five proposed changes are implemented from January 2012

| | | 2011/12 | 2012/13 | 2013/14 | 2014/15 |
|---|------------------------------------|---------------|----------------|---------------|-----------------|
| | Projected Overspend | (67,183) | (148,284) | (261,019) | (375,592) |
| | Contingency | | (15,000) | (30,000) | (50,000) |
| | Total overspend | (67,183) | (163,284) | (291,019) | (425,592) |
| Financial impact of the proposed changes | | | | | |
| A | Increase Minimum user charge by £1 | 13,346 | 53,386 | 53,386 | 53,386 |
| B | Reduce Maximum subsidy by £2 | 20,778 | 83,110 | 83,110 | 83,110 |
| C | Amendments to Eligibility Criteria | 31,899 | 127,594 | 127,594 | 127,594 |
| D | Remove Double Swiping | 18,718 | 74,872 | 74,872 | 74,872 |
| E | Apply monthly trip limits | 4,735 | 18,939 | 18,939 | 18,939 |
| F | Projected Variance | 22,293 | 194,617 | 66,882 | (67,691) |

Table 4: Projected spend if the five proposed changes are implemented in two phases (as per recommendations).

| | | 2011/12 | 2012/13 | 2013/14 | 2014/15 |
|---|------------------------------------|----------------|----------------|-----------------|-----------------|
| | Projected Overspend | (67,183) | (148,284) | (261,019) | (375,592) |
| | Contingency | | (15,000) | (30,000) | (50,000) |
| | Total overspend | (67,183) | (163,284) | (291,019) | (425,592) |
| Financial impact of the proposed changes | | | | | |
| A | Increase Minimum user charge by £1 | 13,346 | 53,386 | 53,386 | 53,386 |
| B | Reduce Maximum subsidy by £2 | 20,778 | 83,110 | 83,110 | 83,110 |
| C | Amendments to Eligibility Criteria | 31,899 | 127,594 | 127,594 | 127,594 |
| D | Remove Double Swiping | 0 | 0 | 0 | 74,872 |
| E | Apply monthly trip limits | 0 | 0 | 0 | 18,939 |
| F | Projected Variance | (1,160) | 100,806 | (26,929) | (67,691) |

6.3 The expenditure forecast includes a phased-in contingency to allow for unforeseen growth. If not used, officers recommend that the contingency is carried forward for the Taxicard scheme in the next financial year.

6.4 These projections suggest that by implementing the recommendations in two phases there will be a small overspend in year one, an underspend in year two, followed by an overspend in 2013 and 2014. Currently, any underspend would represent a saving for TfL rather than individual boroughs. H&F, through London Councils, is currently reviewing this position with TfL for the benefit of local borough budgets. If successful, officers propose that any underspend should be carried forward to cover overspends in subsequent years.

7. RECOMMENDATIONS

7.1 In making these recommendations officers have considered a number of factors, which include: the reduction in funding from TfL; the context of the wider financial climate in local government; competing Council priorities, and the options given by the scheme provider, London Councils, whilst having regard to the public sector equalities duties and the results of the public consultation.

7.2 In sections 3 – 5 of this report, officers have considered the operation of the scheme, the results of the consultation and the recommendations put forward by Taxicard users. At Appendix 10 of this report, officers have carried out a full Equality Impact Analysis, which also considers these issues and the impact on the Council's

duties towards protected groups – the public sector equalities duties. The Council has considered increasing funding for the scheme against other priorities and does not believe it can commit additional resources to the Taxicard scheme away from other areas of necessary spend. In making these recommendations officers have considered that the Taxicard is intended for local travel and as a contribution to the travel needs of eligible residents rather than to meet all transport costs. Additionally, there have been no material changes to the scheme in 15 years. The report recommends that Cabinet agrees:

- 1. To increase the minimum user charge by £1 per trip from £1.50 to £2.50 from January 2012.**
- 2. To reduce the Council's subsidy contribution by £2 per trip from January 2012.**
- 3. To expand the automatic eligibility criteria and remove non-automatic eligibility from January 2012, as set out in paragraph 4.1.**
- 4. In response to the public consultation, to maintain double swiping until April 2014.**
- 5. In response to the public consultation, to maintain the current annual trip limit until April 2014 when a monthly trip limit of 8 trips per month, as set out in paragraph 3.4, will be introduced.**
- 6. To review the eligibility of Taxicard users and to send the Taxicard database to the national fraud initiative every two years.**
- 7. To carry over any unused contingency in the taxicard scheme budget until 2014/15.**
- 8. That the Leader transfers Cabinet responsibility for the Taxicard scheme from the portfolio of the Cabinet Member for Children's Services to the portfolio of the Cabinet Member for Residents Services under the Council's Scheme of Delegation.**
- 9. That the Leader transfers responsibility for the Taxicard scheme from the Director of Children's Services to the Director of Finance and Corporate Services under the Council's Scheme of Delegation.**

7.3 These options enable H&F to target the service to those who most need it whilst giving confidence that the Council can continue to

operate the scheme and mitigate the impact of reduced funding from TfL.

- 7.4 Officers have recommended that the minimum user charge is increased by £1 from January 2012, recognising that this was the most preferred solution identified in the consultation.
- 7.5 Officers have recommended that the subsidy is reduced from January 2012, recognising that this was not the least preferred solution by users and the additional contribution that this would make to reducing the potential overspend.
- 7.6 Officers recommend expanding the automatic eligibility as a result of a review of the service users and the intended target group. Changes to the eligibility criteria were recognised in the consultation as a more preferred solution than the options suggested by London Councils. In addition, officers believe the changes to the eligibility reflect the need identified in the consultation for a robust assessment of eligibility to support the Taxicard scheme, whilst also offering significant savings to reduce the overspend. As noted in 4.1.4, the Blue Badge eligibility and criteria for assessment are long established and are based upon legislation with clear guidance from the DfT. This should give the Taxicard scheme eligibility criteria more substance based upon established principles.
- 7.7 Officers recommend not ending double swiping immediately, recognising that this was the least preferred option from the consultation. This also reflects the repeated suggestion to introduce changes gradually, having regard for the public sector equalities duties. From April 2014, ending double swiping will have an additional negative impact on users. Officers could have raised the eligibility criteria further in 2014 in order to meet the financial challenges, rather than ending double swiping. However, officers have considered that any Taxicard scheme should continue to target vulnerable users and ensure that as many people as possible can benefit.
- 7.8 Officers recommend not introducing monthly trip limits immediately in order to maintain the flexibility of the scheme in the short term and having regard for the public sector equalities duties. Introducing a monthly trip limit of 8 trips per month from April 2011 will impact on those users that may need a greater number of trips in one month. Officers have considered that on average, users currently only take 29 journeys per year (or 59 per active user) and therefore reducing the overall number of trips to 96 per year will have less impact on users.
- 7.9 These recommendations have been considered alongside additional suggestions, noted in section 4.2 and 4.3, to improve the quality of the scheme for users. This includes lobbying London Councils to improve the monitoring and quality of their contract with Computer Cab and ensuring no unnecessary charges are passed onto users.

- 7.10 Moreover, officers are also mindful that the current predictions reveal a potential underspend of 100k in year two. The report recommends that officers negotiate with London Councils and TfL so that this saving can be retained by the Council rather than TfL. If successful, officers recommend that this underspend will be used to cover the predicted overspend in future years. This could mean no additional changes need to be made and will reduce the potential negative impact on users from ending double swiping and applying monthly trip limits.

8. IMPLEMENTATION

- 8.1. It is proposed that the Taxicard scheme should be managed by the same team that manages Blue Badge and Freedom Pass. This will ensure that residents do not have to re-apply to receive any combination of these three benefits and documentation will only need to be provided once (e.g. proof that an individual is receiving higher rate DLA). This is likely to increase customer satisfaction. The current Blue Badge and Freedom Pass team are more experienced than Children's Services' officers in dealing with this client group.
- 8.2. At least two months' notice in writing should be given to all H&F Taxicard users before changes are implemented. It is proposed that Finance and Corporate Services (FCS) reviews all current Taxicard users following a decision by Cabinet and ensures that by January 2012 all users fall under the new eligibility criteria. It is proposed that FCS will try to cross check data on mobility assessments with adult social care to avoid repeating assessments. During this transition period, current users who are no longer eligible will have the option of appealing this decision in writing to Children's Services as detailed in 4.1.5.
- 8.3. It is proposed that increasing the minimum user charge from £1.50 to £2.50 and reducing the maximum subsidy by £2 (from £10.30, £11.30 and £12.80) are implemented through London Councils by FCS from January 2012.
- 8.4. Having a robust assessment and review process was recommended by the Hammersmith and Fulham Disability and Consultative Forum in their response to the consultation. It is proposed that the eligibility of all Taxicard users will be checked every two years. It is also proposed that the Taxicard database is sent every two years to the national fraud initiative (as with Blue Badge and Freedom Pass databases). This is noted in the recommendations.
- 8.5. It is proposed that FCS will provide new users with information about the run-in and waiting charges to ensure that the service offers maximum value for money. Efforts should also be taken to address concerns with the computer cab contract with London Councils in conjunction with other boroughs.

- 8.6. It is recommended that the budget for the Taxicard scheme is held by the Cabinet Member for Residents Services in conjunction with the Director of Finance and Corporate services to administer and manage the Taxicard contract.

9. NEIGHBOURING BOROUGHES

- 9.1. In light of the tri-borough proposals officers have investigated the Taxicard scheme in neighbouring boroughs.

9.2. Royal Borough of Kensington and Chelsea

In addition to the three criteria used by London Councils, the Royal Borough of Kensington and Chelsea (RBKC) assesses people to the same level of eligibility as the Blue Badge. RBKC has increased the minimum user fee and reduced the Council subsidy following the recommendations from London Councils but double swiping is still allowed. Currently, RBKC allocates 120 trips to users. Senior officers at RBKC are monitoring usage carefully to see if they need to review the number of trips residents receive in the future. The management of the scheme is also administered by the same team that operate Blue Badge and Freedom Pass, as recommended in this report.

9.3. Westminster City Council

Westminster City Council ('Westminster') administers their own Taxicard scheme. Westminster gets a fixed amount of funding every year from TfL. In Westminster, residents that receive the higher rate mobility component of Disability Living Allowance receive the higher rate of Attendance Allowance, receive a war pension mobility supplement and/or are registered blind are automatically eligible. The minimum user charge is £2.50 and the maximum subsidy is £8.30. Users are not able to double swipe. Westminster has recently consulted on changes to their Taxicard scheme and has recommended introducing a financial assessment as part of the application process for a Taxicard as well as a face-to face Occupational Therapy assessment for those who qualify under the financial criteria, but do not meet the other eligibility criteria. This replaces a previous paper application.

10. RISK MANAGEMENT

- 10.1. The Taxicard scheme has recently been included on the Children's Services departmental risk register. The scheme is currently rated amber on the risk register due to the current risk of overspend for this financial year. The recommendations suggested in this report will aim to control this financial risk as well as ensuring close budget monitoring. The proposed changes also represent a risk to the Council in terms of its equalities duties and risk to reputation. The proposals have been recommended using the results of a full consultation process with users and attempts have been made to

mitigate against the negative impact on users, for example, by introducing changes gradually, deferring the implementation of double swiping and monthly trip limits until April 2014. It is proposed that the least preferred change, ending double swiping, will not be introduced until April 2014 when the reduction in funding from TfL and level of predicted overspend is most severe.

11. EQUALITY IMPLICATIONS

11.1 H&F Equality Implications

The decision to make changes to the Taxicard scheme should consider the impact on the user group and Cabinet must give due regard to the public sector equalities duties. In this case, Cabinet should be aware and give due regard to the need to:

(a) promote equality of opportunity between those with one of these characteristics (the protected characteristics) and others

(b) to take steps to take account of disabilities even where that involves treating disabled persons more favourably than other people

(c) to promote positive attitudes to disabled people and to encourage them to participate in public life.

11.1.1 The report does not recommend the termination of the Taxicard scheme. The amendments to the eligibility criteria suggested in this report at 4.1 aim to ensure that the scheme continues to benefit disabled residents. The budget proposed has also planned for growth in membership to ensure all eligible disabled persons can access the scheme.

11.1.2 Those changes to the operation of the scheme which affect the flexibility of use, such as applying a monthly trip limit and ending double swiping have not been recommended for immediate implementation. Moreover, the report recommends that officers lobby London Councils to improve the computer cab contract as well as informing users about the fares and charges applied to the scheme, encouraging them to ensure the service requirements are adhered to. In addition, the report suggests that efforts should be taken to encourage improvements in the provision of hospital transport where possible. These opportunities were identified through the consultation process.

11.1.3 The main recommendations that will affect Taxicard users immediately are changes in the cost to users, which includes increasing the minimum user charge and reducing the subsidy. The increase in user charge was deemed the most favourable solution by

users who responded to the consultation. Changes to the subsidy rates was neither the most favourable nor the least favourable.

- 11.1.4 It is recommended that ending double swiping is retained until April 2014. It is further recommended that an annual trip limit of 104 trips is retained until April 2014. This will help to mitigate the initial negative impact on users. In addition, this will ensure that changes to the scheme are introduced gradually to reduce the impact on users, as recommended by respondents to the public consultation.
- 11.1.5 Officers have considered the negative impact on users following the introduction of these additional changes from April 2014. This has been considered alongside other Council priorities and the Council's overall financial position. Officers could have raised the eligibility criteria further in 2014 in order to meet the financial challenges, rather than ending double swiping or introducing trip limits. However, officers have considered that any Taxicard scheme should continue to target vulnerable users and ensure that as many people as possible can benefit. Moreover, it is proposed that the decision to end double swiping and introduce a monthly trip limit is reviewed in two years in light of the latest usage data and any changes to the policies of London Councils and TfL.
- 11.1.6 Officers also recognise that the report recommends removing the doctor certificate as a form of non-automatic criteria despite this not being a popular option during the consultation. Reasons for this have been detailed in section 4.1.6.
- 11.1.7 Officers have provided some examples of the potential individual financial impact of the recommended changes on a range of users using the current user figures. This analysis assumes that current user trends will remain the same. This analysis has looked at the maximum trip user (all 104 trips allocated), an average active trip user (59 trips) and a minimum trip user (defined as less than 12 trips per year), assuming that they would still be eligible under the new eligibility criteria.

Table 5: Individual financial impact on eligible users

| | Impact of initial recommendations from January 2012 (annual) | Impact of implementing all recommendations from April 2014 (annual) |
|-------------------|--|---|
| Maximum Trip User | £294.10 | £545.83 |
| Average Trip User | £166.84 | £263.29 |
| Minimum Trip User | £31.11 | £49.09 |

- 11.1.8 Given the profile of users, the majority of which are over 65 and/or in receipt of the Disability Living Allowance, it may be the case that users are on a fixed income. This has been considered by officers in the equalities impact analysis. The Council must read the full EIA and

consider it with due regard for the public sector equalities duties. The EIA is available in Appendix 10.

12. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 12.1. The Taxicard scheme as currently operated is susceptible to an increased volume of users that the Council would have to fund. The confirmation that TfL was capping its contribution to its current level and that London Councils had agreed a redistribution of TfL funding placed additional financial pressure on the Council which it needed to consider. The impact of this change will see a phased reduction from the 2010/11 contribution of £463,696 to a contribution of £269,512 by 2014/15.
- 12.2. At the same time, London Councils have passed financial responsibility for the scheme to individual boroughs, and will no longer reimburse authorities if there is a local overspend.
- 12.3. The Council's current financial position was set out in its Medium Term Financial Strategy as adopted by Budget Council in February 2011 where savings of nearly £27m were required to balance the budget in 2011/12 (12% of the Base Budget). This savings requirement increases to £64.2m by 2013/14 (29% of the Base Budget).
- 12.4. As such the Council needs to consider all of its spending decisions, with particular regard to value for money. The Council recommends the changes to the operation of the scheme as set out in the report, to ensure that the service targets those who most need it whilst giving confidence that the Council can continue to operate the scheme and mitigate the impact of reduced funding from TfL.
- 12.2 In taking responsibility for the scheme, the Council has reviewed the eligibility criteria and a number of proposals, recommended by London Councils. The Council also used the results of consultation to make recommendations. The scheme has not materially changed in 15 years.
- 12.3 The report recommends the implementation of the proposals set out in the report above. The forecast expenditure, detailed in table 4 of the report, allowing for a contingency is an adverse variance of approximately, £1,160 in 2011/12 but a favourable variance of £100,806 in 2012/13. Current projections suggest that there will be an adverse variance of approximately £26,929 in 2013/14 and £67,691 in 2014/15, even with the additional recommendations set out at recommendation 4 and recommendation 5. It is recommended at recommendation 7 of this report that any unused contingency shall be carried forward until 2014/15. As outlined in paragraph 6.3, any underspend would represent a saving for TfL rather than individual boroughs. H&F, through London Councils, is currently reviewing this

position and, if successful, proposes that it carries forward any underspend to cover overspends in subsequent years.

13. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

13.1 s2(1) Local Government Act 2000 provides the power to provide the Taxicard scheme. In considering the changes proposed by London Councils and outlined at paragraph 3 of this report the usual public law duties apply including a duty to consult and to consider the equalities duties (outlined below) and all other relevant considerations before reaching a decision.

13.2 There is case law guidance as to what constitutes proper consultation. Consultation should include the following:

- It should be carried out when the proposals are still at a formative stage.
- Sufficient reasons should be given for the proposals to allow those consulted to give intelligent consideration and an intelligent response.
- Adequate time must be given for responses.
- The product of consultation must be conscientiously taken into account when the ultimate decision is taken.

13.3 The consultation process followed is outlined in paragraph 5. The consultation material used is at appendix 6 and the product of the consultation is summarised at paragraph 5 of the report with full results available at appendices 5 and 7. The product of the consultation was also used to inform the Equalities Impact Assessment at appendix 10 which is summarised as to equalities implications at paragraph 11 of the report.

13.4 The public sector equality duty provisions of the Equality Act 2010 came into force on 5th April 2011 and widened the general equalities duties with which a local authority has to comply. Amongst other things age is now included as one of the protected characteristics to which the general equality duties will apply and amends slightly the factors to which authorities will need to have due regard if they are to comply with those duties. Section 149 of the Act provides (so far as relevant) as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) tackle prejudice, and
(b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

13.5 In addition, local authorities are under a duty by virtue of s 29 of the Equalities Act 2010 not to discriminate against, victimize or harass any person to whom they provide services on any of the protected grounds.

13.6 The protected grounds now include age as well as the grounds on which the previous equalities legislation already protected people from discrimination by local authorities (i.e. disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex).

13.7 Case law has established the following principles:

(i) Compliance with the general equality duties is a matter of substance not form. However for a decision such as this it is necessary for the duties to be consciously addressed and the consideration given to them fully documented.

(ii) The duty to have "due regard" to the various identified "needs" in the relevant sections does not impose a duty to achieve results. It is a duty to have "due regard" to the "need" to achieve the identified goals.

(iii) Due regard is regard that is appropriate in all the circumstances, including the importance of the area of life of people affected by the decision and such countervailing factors as are relevant to the function that the decision-maker is performing. The weight to be given to the countervailing factors is in principle a matter for the authority. However in the event of a legal challenge it is for the court to determine whether an authority has given "due regard" to the "needs" listed in s149. This will include the court assessing for itself whether in the circumstances appropriate weight has been given by the authority to those "needs" and not simply deciding whether the authority's decision is a rational or reasonable one.

(iv) The duty to have "due regard" to disability equality is particularly important where the decision will have a direct impact on disabled people. The same goes for other protected groups where they will be particularly and directly affected by a decision.

(v) The general equality duties do not impose a duty on public authorities to carry out a formal equalities impact assessment in all cases when carrying out their functions, but where a significant part of the lives of any protected group will be directly affected by a decision, a formal equalities impact assessment is likely to be required by the Courts as part of the duty to have 'due regard'.

(vi) The duty to have "due regard" will normally involve considering whether taking the particular decision would itself be compatible with the equality duty and whether, if the decision is made to go ahead, it will be possible to mitigate any adverse impact on any particular protected group. It may also require consideration to be given to treating any particular affected group more favourably.

13.8 A full Equality Impact Assessment has been carried out and is attached as Appendix 10. The Equality Impact Assessment was informed by the consultation process.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

| No. | Description of Background Papers | Name/Ext of holder of file/copy | Department/ Location |
|--|---|--|-----------------------------|
| 1. | Transport and Environment Committee Meeting Minutes 11/11/2010: Item 4 Taxicard Budget Update | Natasha Price x2872 | CHS/ Cambridge House |
| 2. | The Blue Badge Scheme Local Authority Guidance (England) | Natasha Price x2872 | CHS/ Cambridge House |
| 3. | Transport and Environment Committee Meeting Minutes 14/10/2010: Item 6 Taxicard – Budget Update and TfL Funding Redistribution - Addendum | Natasha Price x2872 | CHS/ Cambridge House |
| 4. | Minutes of Taxicard Borough Officers' Liaison Group Held on Monday 6 th September 2010 | Natasha Price x2872 | CHS/ Cambridge House |
| 5. | Minutes of Taxicard Borough Officers' Liaison Group Held on Wednesday 8 th December 2010 | Natasha Price x2872 | CHS/ Cambridge House |
| 6. | London Councils, Taxicard Consultation– Budgetary Controls and TfL future funding | Natasha Price x2872 | CHS/ Cambridge House |
| 7. | London Councils' Elected Officers Urgency Report: Taxicard – Dealing with Budget Overspends and Underspends in 2010/11, 18 April 2011 | Natasha Price x2872 | CHS/ Cambridge House |
| 8. | Leader's Urgent Decision: Possible Changes To Taxicard Scheme: Public Consultation Needed | Natasha Price x2872 | CHS/ Cambridge House |
| 9. | H&F Taxicard Consultation Responses | Natasha Price x2872 | CHS/ Cambridge House |
| CONTACT OFFICER: Natasha Price | | NAME: Natasha Price EXT. 2872 | |