

<b>4 October 2017</b>		<b>ITEM: 5</b>
<b>Licensing Committee</b>		
<b>List of Accessible Hackney Carriage and Private Hire Vehicles</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key	
<b>Report of:</b> Paul Adams, Principal Licensing Officer		
<b>Accountable Assistant Director:</b> Andy Millard, Assistant Director of Planning & Transportation		
<b>Accountable Director:</b> Steve Cox, Corporate Director of Environment & Place		
<b>This report is:</b> Public		

## **Executive Summary**

This report seeks the agreement of the Licensing Committee to implement Sections 165 – 167 of the Equalities Act 2010, which relates to wheelchair access to Hackney Carriage and Private Hire vehicles.

### **1. Recommendation(s)**

- 1.1 The Licensing Committee agrees for the council to designate and maintain a list of wheelchair accessible Hackney Carriage and Private Hire vehicles pursuant to Section 167 of the Equality Act 2010; and**
- 1.2 Agrees that the power to designate vehicles under section 167 and the power to determine applications for and to issue exemption certificates under Section 166 to be designated to officer level.**

### **2. Introduction and Background**

- 2.1 The Equality Act 2010 (Commencement No.12) Order 2017 was made on the 7 February 2017, and brought into effect from the 6 April 2017 Sections 165 (passengers in wheelchairs) and 167 (lists of wheelchair accessible vehicles) of the Equality Act 2010.
- 2.2 Section 167 of the Act provides that for the purpose of section 165 of the Act, a licensing authority may maintain a list of vehicles which are either licensed

private hire or hackney carriages and which conform to such accessibility requirements as the licensing authority thinks fit.

2.3 Section 165 of the Act imposes duties upon drivers of vehicles designated pursuant to section 167 of the Act when dealing with disabled persons in wheelchairs or a person who wishes to be accompanied by a disabled person in a wheelchair. Those duties are set out in Section 165(4) as follows:

- To carry the passenger whilst in the wheelchair;
- Not to make any additional charge for doing so;
- To take such steps as are reasonably necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility as is reasonably required.

2.4 Section 165 (7) of the Act creates an offence where the driver of a designated taxi or private hire vehicle fails to comply with a duty imposed upon them under the section. This is punishable on summary conviction by a fine not exceeding scale 3 on the standard scale (currently £1000).

2.5 Section 166 of the Act makes provision for licensing authorities to issue exemptions to drivers where they are satisfied it is appropriate to do so:

- On medical grounds; or
- On the ground that the person's physical conditions make it impossible or unreasonably difficult for the person to comply with those duties.

2.6 If a driver is exempt, they will be issued with an exemption certificate and required to display a notice of exemption, as set out in the Equality Act 2010 (Taxis and Private Hire vehicles) (Passengers in Wheelchairs – Notices of Exemption) Regulations 2017.

### **3. Issues, Options and Analysis of Options**

3.1 The provisions contained within Section 167 of the Act are discretionary. The council must therefore determine whether it intends to designate vehicles. Without such a list however, Section 165 and the duties imposed on drivers will have no effect as it only relates to those private hire and hackney carriages designated pursuant to Section 167.

3.2 It is proposed that the power to designate vehicles under section 167 and the power to determine applications for and to issue exemption certificates under Section 166 to be designated to officer level.

### **4. Reasons for Recommendation**

4.1 It is strongly recommended by Government that authorities exercise this power, and in doing so would assist the independence and mobility of disabled persons in wheelchairs.

**5. Consultation (including Overview and Scrutiny, if applicable)**

5.1 No consultation has been undertaken.

**6. Impact on corporate policies, priorities, performance and community impact**

6.1 None

**7. Implications**

**7.1 Financial**

Implications verified by: **Laura Last**  
**Management Accountant**

There is minimal costs involved in implementing the requirements, any additional cost will be met out of the income from the licence fee.

**7.2 Legal**

Implications verified by: **Adam Rulewski**  
**Litigation Lawyer**

All the legal matters are addressed in this report.

**7.3 Diversity and Equality**

Implications verified by: **Natalie Warren**  
**Community Development and Equalities  
Manager**

The implementation of the provision will enhance equality.

**7.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- None

**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

**9. Appendices to the report**

- None

**Report Author:**

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