



TAXI AND GENERAL COMMITTEE – 13TH JULY 2017

SUBJECT: IMPLEMENTATION OF EQUALITY ACT 2010 IN RESPECT OF WHEELCHAIR ACCESSIBLE VEHICLES

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To advise members of the commencement of sections of the Equality Act 2010 relating to licensed wheelchair accessible vehicles and to seek approval to implement the relevant sections of the Act.

2. SUMMARY

- 2.1 The Equality Act 2010 sets out sections in respect of wheelchair accessible vehicles which commenced on the 6 April 2017. The effect of these sections is to require the Licensing Authority to determine whether they wish to maintain a list of designated wheelchair accessible vehicles. Where a licensing authority implement such a list duties are placed on the drivers of these vehicles as set out in the report below.

3. LINKS TO STRATEGY

- 3.1 Licensing of Hackney Carriages and Private Hire vehicles and associated conditions contribute to the Healthier, Safer, and Prosperous themes of the Single Integrated Plan, Caerphilly Delivers.
- 3.2 Implementation of the requirements set out in the Equality Act in respect of wheelchair accessibility would contribute to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015. The authority focuses on public safety and strives to address all aspects of the licensing of drivers to ensure they are fit and proper persons and to promote them as professional individuals. Implementation of the requirements would contribute to the following Well-being Goals
- *A prosperous Wales*
 - *A healthier Wales*
 - *A resilient Wales*
 - *A more equal Wales*
 - *A globally responsible Wales*

4. THE REPORT

- 4.1 Sections 165, 166 and 167 of the Equality Act 2010 commenced on the 6 April 2017, these sections can have a direct affect for the licensing authority and the drivers of designated licensed wheelchair accessible vehicles. It is intended that these sections ensure that wheelchair users are better informed about the accessibility of designated hackney carriages and private hire vehicles in their area and can be confident of receiving the assistance they need to travel safely.

- 4.2 Section 167 of the Act permits but does not require Licensing Authorities to maintain a designated list of wheelchair accessible hackney carriages and private hire vehicles. Whilst there is no legal obligation to maintain such a list the Government strongly recommends that Local Authorities do so. Where a designated list is not available the requirements of section 165 do not apply and drivers of wheelchair accessible vehicles may refuse the carriage of wheelchair users, refuse to provide them with assistance and may charge them extra.
- 4.3 The Department for Transport (DfT) has set out statutory guidance regarding the implementation of these sections of the Act. The guidance also recommends the processes that a Local Authority should consider in order to ensure that the requirements of the Act are implemented effectively in their area.
- 4.4 The DfT proposal for implementation is as follows:
- To review the guidance and compare it with existing local policies
 - Prepare a draft list of designated wheelchair accessible vehicles
 - Set out its policy for exempting drivers from the duties required by the Act on medical and physical condition grounds
 - Inform vehicle proprietors that vehicles will be placed on the list and the duties that will be placed on drivers
 - Drivers apply for exemptions where necessary
 - Licensing Authority issue exemptions where appropriate
 - A list of designated wheelchair accessible vehicles is published and the duties on drivers take effect.
- 4.5 Section 165 sets out the duties placed on drivers of designated wheelchair accessible hackney carriages and private hire vehicles. The duties are:
- To carry the passenger whilst in the wheelchair.
 - Not make any additional charge for doing so
 - If the passenger chooses to sit in a passenger seat to carry the wheelchair.
 - To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - To give the passenger such mobility assistance as is reasonably required.
- 4.6 Mobility assistance is defined in the Act as assistance:
- To enable the passenger to get into or out of the vehicle;
 - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into or out of the vehicle while in the wheelchair;
 - To load the passenger's luggage into or out of the vehicle;
 - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 4.7 Where a Local Authority determine that they will provide a designated list of wheelchair accessible vehicles they must implement a policy and necessary procedures to exempt those drivers with certain medical or physical conditions that would prevent them from complying with the duties associated with them driving a designated vehicle. Section 166 of the Act prescribes the form of exemption notice that an exempted driver must display when driving a designated vehicle.
- 4.8 The authority currently has about 30 licensed vehicles that would be classified as wheelchair accessible. The publication of a list of such vehicles may encourage an increase in applications for such vehicles to be licensed.

- 4.9 Members are asked to determine whether or not this Council should implement section 167 of the Equality Act 2010 to make and publish lists of licensed designated wheelchair accessible vehicles. Where Members determine that this Council should adopt these requirements, officers shall report back to this committee with proposals for an exemption policy and procedural documentation for consideration.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report and associated proposals contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that there is an emphasis on the promotion of fair and equal treatment for potential passengers and drivers. Implementation of the sections of the Equality Act set out in the report contributes to a number of the Well-being goals and supports the objectives of other stakeholders.
- 5.2 The Council has a mandatory obligation to licence those persons who seek to drive hackney carriages or private hire vehicles and to ensure that those drivers are fit and proper persons to do so, that they comply with all regulations, conditions and byelaws which may have an effect on them or the public. The prime focus for the Council is to ensure public safety and to provide an efficient and effective licensing service.

6. EQUALITIES IMPLICATIONS

- 6.1 Adoption of the relevant sections of the Equality Act and publication of a list of wheelchair accessible vehicles would improve information available for wheelchair users who wish to use Licensed vehicles and provide clarity for both users and licensed drivers. The Council ensures that it treats all individuals and organisations who are applying for or who hold driving licences, with equal respect both when corresponding with those individuals and organisations during any licensing process.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications associated with this report.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with this report.

9. CONSULTATIONS

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 That Members consider and approve:
- a) the implementation of the requirements of sections 165, 166 and 167 of the Equality Act 2010.
 - b) that officers prepare a policy for the committee's consideration, in respect of the exemption criteria and procedures for those drivers who could not comply with the duties set out in the Act on medical or physical condition grounds.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To assist passengers in wheelchairs in their use of designated hackney carriages and private hire vehicles and that their use is protected.

12. STATUTORY POWER

- 12.1 Equality Act 2010, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847.

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Consultees: Cllr, Denver Preece Chair, Licensing Committee
Cllr, Julian Simmonds, Vice Chair, Licensing Committee
Cllr, Eluned Stenner Cabinet Member for, Environment and Public Protection
Robert Hartshorn, Head of Public Protection
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Mike Eedy, Finance Manager
Sue Ead, Solicitor, Legal Services
Lisa Lane, Corporate Solicitor
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager

Background Papers:

Department for Transport – Access for wheelchair users to taxis and private hire vehicles – GOV. UK
<https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles>