

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Registration and Licensing Committee

14th August 2017

Report of the Head of Legal Services – David Michael

Matter for Decision

Wards Affected: All

Equality Act and Revised Taxi Licensing Policy

Purpose of the Report

1. To provide information to members in relation to Section 165 and 167 of the Equality Act 2010.
2. To determine whether to maintain a list of designated vehicles in accordance with the Equality Act 2010.
3. To make any necessary amendments to the Taxi Licensing Policy.

Executive Summary

4. This report is to provide information to members in respect of Sections 165 and 167 of the Equality Act 2010 which have recently been commenced.
5. Section 165 of the Act places a legal requirement on drivers of all licensed hackney carriage and private vehicles, which are wheelchair accessible, to carry passengers in wheelchairs, provide assistance to those passengers, and prohibits them from charging extra for the fare.

6. Section 167 of the Act provides Local Authorities with powers to publish a list of "designated vehicles" i.e. hackney carriage and private hire vehicles that are wheelchair accessible. The Council does not have to publish a list, however the responsibility imposed on drivers (outlined above) does not take effect until the Licensing Authority publishes such a list.
7. Members are being asked to determine firstly whether the Council should maintain a list of designated vehicles in accordance with the Equality Act 2010 and then to consider the amendments to the Taxi Licensing Policy required as a result of maintaining a list of designated vehicles.

Background

8. On the 6th April 2017, Section 165 and 167 of the Equality Act 2010 were commenced.

Section 165 of the Equality Act 2010 places specific 'duties' on the driver of a "designated vehicle" i.e. hackney carriage and private hire vehicles that are wheelchair accessible. These duties are:

- to carry the passenger while in the wheelchair;
- not to 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;
- to give the passenger such mobility assistance as is reasonably required: 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 and 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.

9. Section 167 of the Act provides the Council with the powers to make lists of wheelchair accessible vehicles (i.e. "designated vehicles"). Whilst Local Authorities are under no specific legal obligation to maintain a list under the Act, the Government recommends strongly that they do so. Without such a list, the requirements of Section 165 of the Act would not apply.

10. Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows the Council to grant exemptions from the duties to individual drivers.
11. Drivers who have been granted an exemption will be issued with a notice, which must be displayed in the vehicle.

Officer Report

12. A draft list of "designated vehicles" has been produced. It is proposed that any hackney carriage or private hire vehicle that is capable of being able to carry a wheelchair (with the user in situ), be included on the list; there are currently 85 vehicles that have this ability.
13. The designated vehicles list will need to be maintained and it is proposed that an updated list be published on a monthly basis.
14. Should members determine to maintain a list of designated vehicles, then information in respect of the new driver responsibilities, medical exemptions and appeals will be circulated to all licensed drivers; where appropriate drivers can then apply for an exemption.
15. It is proposed that the first list of designated vehicles be published on the 30th November 2017. This will allow sufficient time for drivers who need to apply for an exemption to arrange for a medical assessment to be undertaken with their G.P and for any applications to be determined by the Registration and Licensing Committee.
16. The published list will detail the name of the operator/owner, whether it is a hackney carriage or private hire vehicle and make and model of the vehicle.
17. Once the list is published, it will be an offence for the driver (unless exempt) of a taxi or private hire vehicle which is on the designated list to fail to comply with the duties listed above.
18. Members are firstly being asked to consider whether to maintain a list of designated vehicles. Should members determine to maintain such a list, then it will be necessary to amend the Taxi Licensing Policy to incorporate information on the new provisions and to introduce the procedures for dealing with exemptions.

Equality Impact Assessment

19. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this procedure does not require an Equality Impact Assessment.

Legal Impacts

20. There is a right of appeal against a decision to include a vehicle on the designated list to the Magistrates' Court.
21. There is a right of appeal against a decision to refuse to grant an exemption certificate to the Magistrates' Court.

Risk Management

22. Not applicable

Consultation

23. Not applicable

Recommendation

24. That members approve the proposal to maintain a list of designated vehicles in accordance with the Equality Act 2010.
25. That members approve the amendments to the Taxi Licensing Policy.

Reasons for Proposed Decision

26. To enable officers to enforce the powers under Section 165 Equality Act 2010.

Implementation of Decision

27. Immediate

Appendices

28. Appendix 1 - Taxi Licensing Policy

List of Background Papers

Department for Transport - Statutory Guidance

Officer Contact

Neil Chapple

Licensing Manager

Tel (01639) 763056

Email n.chapple@npt.gov.uk