



**REPORT of
CHIEF EXECUTIVE**

**to
PLANNING AND LICENSING COMMITTEE
13 JUNE 2017**

DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE VEHICLES

1. PURPOSE OF THE REPORT

- 1.1 To consider the publishing of a designated list of wheelchair accessible taxis and private hire vehicles, commercial vehicles available for hire.

2. RECOMMENDATIONS

It is recommended that:

- (i) the Council produces a list of designated wheelchair accessible vehicles; and
- (ii) produces procedures in relation to this, including the exemption of drivers from their duties based on medical grounds.

3. SUMMARY OF KEY ISSUES

3.1.1 Sections 165-167 of the Equality Act 2010 came into force in April 2017. Section 167 of the Act provides the Council as a licensing authority with the power to make a list of wheelchair accessible vehicles (designated vehicles). The owner of the vehicle has a right of appeal to a magistrates' court if he or she believes that they should not be included in the list.

3.1.2 Once the list is published, this places duties on drivers under section 165 of the Act. Drivers of designated wheelchair accessible cars have a duty to:

- carry the passenger while in the wheelchair;
- not make any additional charge;
- carry the wheelchair if the passenger chooses to sit in a passenger seat;
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- give the passenger such mobility assistance as is reasonably required to:
 - enable the passenger to get into or out of the vehicle, including in the wheelchair if they wish to remain in it;
 - load the passenger's luggage into or out of the vehicle;

- load the wheelchair into or out of the vehicle if the passenger does not wish to remain in the wheelchair.
- 3.1.3 The requirements of section 165 of the Act do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. Section 166 of the Act allows the Council to exempt drivers on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties outlined in paragraph 3.1.2. Unless a driver is exempt, it is a criminal offence not to carry out these duties and the Council will follow up any complaints in relation to this. If justified and the complaint can be proven, the Council will take appropriate action.
- 3.1.4 The purpose of the legislation is to ensure that disabled people have equal access to services including public transport provision. Owners of assistance dogs are already protected by the Equality Act 2010 which makes it unlawful to charge extra or refuse to take them. The implementation of sections 165-167 of the Act will offer wheelchair users similar protection.
- 3.1.5 A document 'Access for wheelchair users to Taxis and Private Hire Vehicles: Statutory Guidance: Moving Britain Ahead' has been published by the Department for Transport. This constitutes the Secretary of State's formal guidance to licensing authorities and they must have regard to it.
- 3.1.6 The publication of a designated list ensures that wheelchair passengers, carers and friends and family are better informed about the accessibility of taxis and private hire vehicles in the Maldon district. It will also mean that they can be confident of receiving the assistance they need to travel in safety and reasonable comfort.
- 3.1.7 If the Committee agrees to creating and publishing a designated list of wheelchair accessible vehicles, the service will put in place the necessary procedures. It will also make sure that owners of wheelchair accessible vehicles and drivers are aware of these new requirements by writing directly to them.

4. CONCLUSION

- 4.1 The publication of a designated list of wheelchair accessible taxis and private hire vehicles will provide sufficient information to wheelchair passengers to make informed choices about public transport provision.
- 4.2 The duties placed on drivers of vehicles on the designated list will ensure that passengers in wheelchairs will get appropriate assistance. This will mean that they can travel in safety and reasonable comfort, giving them confidence to use this mode of public transport provision.
- 4.3 Implementation of sections 165-167 of the Equalities Act 2010 promotes equality for disabled people.

5. IMPACT ON CORPORATE GOALS

- 5.1 The licensing function plays a key role in delivering the corporate goal of helping communities to be safe, active and healthy. By implementing sections 165-167 of the Equality Act 2010, the Council will be able to provide information on wheelchair accessible vehicles. The duty this then places on drivers will help ensure that passengers are able to travel safely and remain active by having access to transport provision.

6. IMPLICATIONS

- (i) **Impact on Customers** – it will assist passengers in wheelchairs who wish to travel by taxi or private hire vehicle.
- (ii) **Impact on Equalities** – this promotes equality for wheelchair passengers.
- (iii) **Impact on Risk** – There may be some reputational damage by not publishing such a list and promoting equality for disabled passengers.
- (iv) **Impact on Resources (financial)** – none
- (v) **Impact on Resources (human)** – once the scheme is implemented, it will have very little impact on human resources, other than maintaining the list.
- (vi) **Impact on the Environment** – none

Background Papers:

The Equality Act 2010

Secretary of State's statutory guidance issued by the Department for Transport.

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EQUALITY IMPACT ASSESSMENT COMPLETED?
PLEASE PROVIDE DETAILS

Yes.