

Gambling, Licensing & Regulatory Committee 13 November 2017

Report from the Assistant Director – Planning and Public Protection

Taxi Licensing - Equalities

Summary

1. This report is to brief Members on recent changes relating to taxi licensing following the introduction of Sections 165 and 167 of the Equalities Act 2010 (the Act), and seeks Members approval to produce a designated vehicle list. The report also seeks Member's approval with regard to the introduction of a new requirement relating to the carrying of assistance dogs in licensed vehicles.

Recommendations

2. That Members approve Option 1 of this report.

Reason: This updates Members on the legal requirements of the Equalities Act 2010, the Council will produce and publish a Designated List of licensed vehicles, and will introduce a new requirement with regards to the carrying of assistance dogs in licensed vehicles.

Background

Equalities Act 2010

3. Sections 165 and 167 of the Act came into force on the 6 April 2017. S167 provides Licensing Authorities with the discretionary power to make a list of wheelchair accessible vehicles (designated vehicles). S165 requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
4. The Act states that a vehicle can be designated if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they

prefer. Therefore the passenger should be able to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

5. If produced the list of designated vehicles will be published on the Council's website including details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of the operator.
6. The Department for Transport has issued guidance that recommends that the list of designated vehicles also includes information about the size and weight of wheelchair that can be accommodated, it is noted that not all wheelchair accessible vehicles can accommodate larger types of wheelchairs, particularly some powered wheelchairs.
7. The Council has written to all vehicle licence proprietors to ascertain if their licensed vehicle is wheelchair accessible, with regards to their vehicle being entered on the list.
8. S166 of the Act allows licensing authorities to issue exemption certificates to drivers if they are satisfied that it is appropriate to do so –
 - a) on medical grounds, or
 - b) on the ground that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.
9. An exemption certificate is valid for such a period as is specified in the certificate by the licensing authority.

Assistance Dogs

10. Under S168 and S170 of the Act it is a requirement that licensed drivers carry guide, hearing and assistance dogs in licensed vehicles. A passenger cannot be refused because they have an assistance dog unless the driver has a medical exemption certificate issued by the licensing authority in accordance with S169 and S171 of the Act.
11. Guide Dogs have written to the Council requesting the introduction of 'tactile medical exemption certificates', the benefits of these certificates being:
 - They empower assistance dog owners to know that if a taxi or private hire driver prevents an assistance dog from travelling in their vehicle on medical grounds, the claim is genuine.

- Accessibility best practice is met for people with vision impairments.

12. Further information provided by Guide Dogs can be found at Annex 1.

Consultation

13. All vehicle licence proprietors have been written too to ascertain if their vehicle is wheelchair accessible.

Options

14. Option 1 – That Members (i) note the introduction of S165 and S167 of the Equalities Act 2010 instruct Officers to produce Designated List of wheelchair accessible vehicles, and (ii) that members instruct officers to introduce ‘tactile medical exemption certificates’ as requested by Guide Dogs.

15. Option 2 – That Members (i) note the introduction of S165 and S167 of the Equalities Act 2010 instruct Officers to produce Designated List of wheelchair accessible vehicles, and (ii) take no further action with regards to ‘tactile medical exemption certificates’.

16. Option 3 – That Members (i) note the introduction of S165 and S167 of the Equalities Act 2010 determine that a Designated List of wheelchair accessible vehicles is not required, and (ii) that members instruct officers to introduce ‘tactile medical exemption certificates’.

17. Option 4 – That Members (i) note the introduction of S165 and S167 of the Equalities Act 2010 determine that a Designated List of wheelchair accessible vehicles is not required, and (ii) take no further action with regards to ‘tactile medical exemption certificates’.

Analysis

16. The Council currently issues the following number of licences for drivers:

- Private hire drivers - 611
- Hackney carriage drivers - 286

17. Under the requirements of S166 of the Act the Council has issued the following number of exemption certificates in relation to wheelchair accessible vehicles on medical grounds:

- Private hire - 0

- Hackney carriage - 2

18. Under the requirements of S169 and S171 of the Act the Council has issued the following number of medical exemption certificates in relation to the carrying of assistance dogs:

- Private hire - 0
- Hackney carriage - 1

Council Priorities

19. The provision of hackney carriage and private hire licensing supports the council plan of a prosperous city for all, where local businesses can thrive.

Implications

20. The direct implications arising from this report are:

- (a) **Financial** – There are no financial implications.
- (b) **Human Resources (HR)** - There are no HR implications.
- (c) **Equalities** – There are no equalities implications. The Council are implementing the legal requirements of the Equalities Act 2010.
- (d) **Legal** – There are no legal implications.
- (e) **Crime and Disorder** – There are no crime and disorder implications.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

Risk Management

21. The implementing of the legal requirements of the Equalities Act 2010 will mitigate the risk of legal challenge.

Contact Details

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| Lesley Cooke Licensing Manager 01904 551515 | | Mike Slater Assistant Director – Planning and Public Protection | | |
| Report Approved | | √ | Date | 31/10/17 |
| Specialist Implications Officer(s) | | | | |
| Wards Affected: | | | All | √ |
| For further information please contact the author of the report | | | | |

Background papers

Equalities Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Guidance issued by the Department for Transport

<https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles>

Annexes

Annex 1 - Information provided by Guide Dogs