

STATUTORY DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE VEHICLES

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Wards Affected: All

PROPOSED DECISION

That the committee consider whether it is appropriate to designate a list of wheelchair accessible vehicles under section 167 of the Equality Act 2010 and if so, to approve a consultation exercise on this issue with relevant parties.

Executive Summary

Provisions of the Equality Act 2010 relating to wheelchair accessible private hire vehicles and hackney carriages came into force on the 6th April 2017. These provisions permit local authorities to specify a designated list of such vehicles. Once such a list has been designated and published on the Council's website, it becomes an offence for the driver of such a vehicle to fail to comply with the duty to provide mobility assistance. This would include matters such as refusing to carry an assistance dog or charging a disabled person more than an able bodied customer.

The designation of such a list would provide advantages to the hackney carriage and private hire trades in terms of additional publicity and new business opportunities and also to disabled customers in terms of being able to easily access details of companies which provide such vehicles and ensuring equal treatment.

Exemptions can be given to drivers further to specific medical advice from their own doctor's practice.

Local authorities are now being strongly encouraged to designate and publish such lists by the Department of Transport

Corporate Implications

The Council is required by law to license the operation of taxis and private hire vehicles. The paramount consideration in this respect is the safety and convenience of those travelling in licensed vehicles. Conditions and requirements should be aimed at improving service and protecting the users of licensed vehicles.

Policy/Community Plan Implications

The implementation of such a statutory list would contribute to all of the objectives set out in the Corporate Plan.

Detailed Report

1. The Equality Act 2010 (Commencement No.12) Order 2017 was made on 7 February 2017, and brought into effect sections 165 (passengers in wheelchairs) and 167 (lists of wheelchair- accessible vehicles) of the Equality 2010 on the 6th April 2017.
2. Section 167 provides that for the purposes 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.

3. Section 165 of the Act imposes duties upon the drivers of designated vehicles 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 to passenger whilst in the wheelchair;
 - not to make any additional charge for doing so;
 - if the person chooses to sit in a passenger seat, to carry the wheelchair;
 - 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 assistance as is reasonably required.
4. Section 165(7) of the Act creates an offence where the driver of a designated hackney carriage 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 £1,000).
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 makes it impossible or unreasonably difficult for the person to comply with those duties.
6. A driver can only be exempt if an exemption certificate has been issued and the notice is exhibited on the vehicle in the prescribed manner. The Equality Act 2010 (Taxis and Private Hire vehicles) (Passengers in Wheelchairs – Notices of Exemption) Regulations 2017 also came into force on 6 April 2017 and prescribes the form of the notice and where and how it should be exhibited.
7. The provisions contained within Section 167 of the Act are discretionary. The Council must therefore determine whether it intends to designate a list of vehicles. Without such a list the duties imposed on drivers will have no effect as it only relates to those private hire vehicles and hackney carriages designated under section 167. It is strongly recommended by Government that authorities exercise this power and it is suggested that the designation of such a list would assist the independence and mobility of disabled persons and increase business opportunities for businesses and individuals.
8. The committee is therefore asked to consider whether it would be appropriate to designate a list under section 167 of the Act.
9. If the committee so decides, a full consultation exercise will be undertaken with the private hire and hackney carriage trades along with disability groups and other relevant parties to ascertain their views prior to bringing the issue back before this committee for a final decision.

Background Papers

Files in Environmental Services