

SUMMARY



Report For:	Regulatory and Appeals Committee
Meeting Date:	18 March 2019
Part:	Part 1 - Open

Title of Report:	STATUTORY DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE VEHICLES
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Wards affected:	All
Reason for the Decision:	To comply with statutory guidance. To provide a better service for wheelchair users throughout the district and to provide business opportunities for private hire operators and hackney carriage proprietors.
Proposed Decision:	That a “designated vehicles” list of wheelchair accessible vehicles is adopted under section 167 of the Equality Act 2010, to become effective from the 1 st April 2019 and to be publicised on the Council’s website.
Sustainable Community Strategy/Council Priorities - Implications	Risk: There are equality risks at not taking the proposed action Equalities: The proposed action promotes equality Health & Safety: There are no health and safety considerations
Monitoring Officer/ S.151 Officer Comments	Monitoring Officer: The Equality Act 2010 (Commencement Order No 12) was made on 7 February 2017. It brought into effect sections 165 (passengers in wheelchairs) and 167 (keeping a list of wheelchair accessible vehicles) on 1 st April 2019. The provisions of section 167 are discretionary and the detailed reasoning for maintaining such a list are detailed in the report. S.151 Officer: Any associated cost of Compliance with the Equality Act is contained within the existing budgets.
Consultees:	Consultation has been carried out with all owners of wheelchair accessible vehicles, disability groups and other affected parties.
Options:	The only alternative option would be to not designate a statutory list of Wheelchair Accessible Vehicles, although this would leave the authority open to criticism.
Next Steps:	To designate a “statutory list” of Wheelchair Accessible Vehicles and to publish the list on the Council’s website.
Background Papers:	The Equality Act 2010
Abbreviations:	None

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. This issue was discussed at a previous meeting of this committee where the creation of such a list was agreed in principle and it was further agreed that consultation should be carried out with affected parties.
9. This process has been carried out, with letters sent to all owners of wheelchair accessible licensed vehicles, disability organisations and other relevant parties.

10. Only one comment was received as a result of the consultation. This comment was made by a private hire company which provides wheelchair accessible vehicles to carry out contracts predominantly for Bucks County Council and which are not therefore available for general use between 07:30 and 17:00 on weekdays. The company requested that this is taken into account when preparing any such list. To prevent inconvenience to prospective users, it is agreed that this should be made clear on any statutory list.
11. There were no negative comments in relation to the creation of such a statutory list and it is believed that the publication of this information would only be of benefit to both users and providers. As a result it is considered appropriate that the Council designates a list of wheelchair accessible vehicles in line with s.167 of the Equality Act 2010 and that such a list should come into effect from the 1st April 2019 and be maintained on the Council's website.