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| REPORT TO: | Licensing Committee |
| DATE: | 8th March 2018 |
| LEAD OFFICER: | Head of Planning and Public Protection |
| CONTACT OFFICER: | Public Protection Business Manager licensing@denbighshire.gov.uk 01824 706066 |
| SUBJECT: | Introduction of a list of designated wheelchair accessible vehicles |

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the changes introduced by the Equality Act and to seek approval of a list of wheelchair accessible vehicles

2. EXECUTIVE SUMMARY

- 2.1 Legislation allows local authorities to retain a list of all vehicles licensed as a hackney carriage or private hire vehicle which meet the requirements of a wheelchair accessible vehicle and, where a list exists, the legislation places further obligations on drivers and /or proprietors of those vehicles.

3. POWER TO MAKE THE DECISION

- 3.1 The Equality Act 2010 permits local authorities to maintain a list of wheelchair accessible vehicles.

4.0 BACKGROUND INFORMATION

- 4.1 The Equality Act 2010 brings together a number of different pieces of legislation concerning discrimination. Sections 160 to 173 deal specifically with Private Hire vehicles and Hackney Carriage vehicles.
- 4.2 There are already offences in place for failing to carry assistance dogs. The Equality Act 2010 (Commencement No.12) Order 2017 brought into force sections 165 (passengers in wheelchairs) and 167 (lists of wheelchair accessible vehicles) on 6 April 2017 which will introduce similar offences for discrimination against wheelchair users.
- 4.3 The Government has indicated that it now expects Council's to introduce and maintain a list of designated vehicles, which, in turn, will create offences for breaches of the duties that will be imposed. The Department for Transport (DfT)

have issued formal statutory guidance asking Local Authorities to introduce those parts of the Equality Act that provide protection for wheelchair users.

- 4.4 A vehicle can be on the designated list if it conforms to such accessibility requirements as the licensing authority thinks fit but generally, consideration will be given to the ability to get in and out of vehicles in safety and being able to travel in safety and reasonable comfort – whether the disabled person is staying in their wheelchair or not.
- 4.5 Section 165 will impose certain duties on drivers of designated vehicles such as;
- Carry a passenger while in the wheelchair
 - Not to make an additional charge for doing so
 - If the passenger decides to sit in a passenger seat, to carry the wheelchair
 - To take steps to ensure passengers are carried in safety and comfort
 - To give the passenger such mobility assistance as is reasonably required.
- 4.6 Mobility assistance is assistance;
- To enable the passenger to get in and out of the vehicle
 - If the passenger wishes to remain in the wheelchair, to enable the passenger to get in and out of the vehicle while in the wheelchair
 - To load the passengers 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
- 4.7 Any vehicles placed on the list will not be required to carry all wheelchairs but instead must be capable of carrying some.
- 4.8 A driver will be able to apply for an exemption certificate if they have a medical condition, disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require.
- 4.9 If a driver successfully receives an exemption, they will not be required to perform any of the duties requiring passenger assistance. The Council will be considering information supplied by a GP.
- 4.10 Officers propose to begin contacting owners of vehicles which would be included on the list. If a driver indicates their intention to apply for an exemption, a reasonable time will be given to apply for the appropriate medical certification.
- 4.11 If agreed by the Committee, it is proposed that the publication of the designated list will take place within six months of this hearing. Following this date, it will become an offence for a driver to fail to give reasonable assistance to a wheelchair passenger.
- 4.12 The Equality Act enables vehicle owners to appeal against the decision of the Council to include their vehicle(s) on the designated list. The appeal must be made to a Magistrate's Court within 28 days of being included on the designated list.

5.0 CONSIDERATIONS

- 5.1 That Members consider the content of this report and the advice contained in the Equality Act 2010 and the Department for Transport's guidance.

6.0 RECOMMENDATION

- 6.1 Member approve the introduction of a published list of wheelchair accessible vehicles.
- 6.2 That Members delegate the setting of the implementation date to the Public Protection Business Manager in consultation with the Public Protection Manager and Chair of Licensing Committee.
- 6.3 Instruct officers to report back to the Licensing Committee during 2018 with information on the prepared list.