

COMMUNITY SERVICES AND LICENSING COMMITTEE

6 SEPTEMBER 2018

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Report Title	Implementation of Section 167 Wheelchair Accessible Vehicle List
Purpose of Report	<ol style="list-style-type: none"> 1. To enable Committee to consider implementing Section 167 of the Equality Act 2010 which allows Licensing Authorities to maintain a list of 'designated' wheelchair accessible taxis and private hire vehicles; and 2. To enable Committee to consider the criteria for a vehicle to be included in the list and a Medical Exemption procedure.
Decision(s)	<p>The Committee RESOLVES:</p> <ol style="list-style-type: none"> 1. From 1st January 2019, to implement Section 167 of the Equality Act 2010; and 2. From 1st January 2019, to adopt the criteria for a vehicle to be included in the list (as detailed in section 1 of Appendix A) and adopt the Medical Exemption procedure (as detailed in section 4 of Appendix A).
Consultation and Feedback	There has been formal consultation between 30 th May 2018 and 27 th July 2018. Included in this was a newsletter sent to all taxi and private hire licence holders.
Financial Implications and Risk Assessment	<p>There are no direct financial implications arising from this report.</p> <p>Adele Rudkin, Accountant 01453 754109 Email: adele.rudkin@stroud.gov.uk</p> <p>Risk Assessment Failure to implement Section 167 may result in the Department for Transport naming the Council, publically, as a Council that chose not to adopt Section 167 of the Equality Act 2010. Thus, potentially affecting the Council's reputation.</p> <p>Hannah Eaton, Licensing Officer 01453 754404 Email: Hannah.eaton@stroud.gov.uk</p>

Legal Implications	<p>If S.167 of the Equality Act 2011 is adopted, the Council will be able to compile a list of taxis operating in the district that are accessible to wheelchair users. Where a vehicle is on this list, the driver of that vehicle will commit an offence if he refuses to carry a wheelchair user, fails to provide reasonable assistance to that individual or charges a higher fare than would apply to a non-wheelchair user.</p> <p>Drivers of such vehicles may apply for an exemption on medical grounds and before adopting S.167, the licensing authority must have in place a policy governing the granting of such exemptions.</p> <p>It is unclear whether existing legislation prevents taxi drivers from refusing to carry wheelchair users or from making extra charges for the carriage of wheelchairs.</p> <p>The adoption of S.167 would not create any requirement to provide wheelchair-accessible taxis but would assist in ensuring that wheelchair users are able to use those vehicles which have been designated. R1008D2308C2108.</p> <p>Mike Wallbank, Solicitor E-Mail: Mike.Wallbank@stroud.gov.uk</p>
Report Author	<p>Hannah Eaton, Licensing Officer Tel: 01453 754404 Email: hannah.eaton@stroud.gov.uk</p>
Options	<ol style="list-style-type: none"> 1. To implement Section 167 of the Equality Act 2010 and adopt the vehicle criteria for being on the list and a Medical Exemption procedure; or 2. To not implement Section 167 of the Equality Act 2010. This means the Council will not be able to take legal action if a driver refuses to carry passenger in their wheelchair, does not give reasonable assistance or charges the passenger extra.
Performance Management Follow Up	<p>The impact of implementing the above will be kept under review.</p>
Background Papers/ Appendices	<p>Appendix A - Consultation Document Appendix B - Schedule of Consultation Comments</p>

1 Introduction

- 1.1 Section 167 of the Equality Act 2010 was commenced in 2017 and allows the Council, as the Licensing Authority, to maintain a list of 'designated' wheelchair accessible taxis and private hire vehicles. The section also states that the Licensing Authority should identify the criteria for vehicles to be included on the list. Guidance issued by the Department for Transport strongly recommends that Licensing Authorities exercise this power.

- 1.2 Once the list is published the drivers of vehicles on the list will be committing an offence if they refuse to carry a passenger in a wheelchair, do not give the passenger appropriate assistance or charge the passenger extra. Section 165 of the Equality Act 2010 details the duties of drivers of vehicles on the list and they are shown in section 2.1 of Appendix A of this report.
- 1.3 Section 166 of the Equality Act 2010 allows Licensing Authorities to exempt drivers of 'designated' vehicles of their duties under Section 165 for medical reasons or physical conditions. The Guidance states that before publishing the list the Licensing Authority must have a policy in place for exempting drivers on medical grounds.
- 1.4 The Department for Transport recently released 'The Inclusive Transport Strategy: Achieving Equal Access for Disabled People'. Section 8 emphasises the importance of Licensing Authorities implementing Section 167 of the Equality Act 2010. The full document can be viewed online here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728547/inclusive-transport-strategy.pdf. The document states that the Department for Transport will be publishing a list of authorities which do not maintain a list under Section 167 and also states that if the number of authorities implementing Section 167 does not increase they will consider making it mandatory.
- 1.5 For information, Sections 168 and 170 of the Equality Act 2010 have already been in force since 2010 and place legal obligation on all taxis and private hire drivers to carry an assistance dog that accompanies a disabled person therefore making it an offence to refuse to carry an assistance dog or to charge the disabled passenger extra to carry the assistance dog.
- 1.6 Stroud District Council currently has 8 licensed wheelchair accessible Hackney Carriage and Private Hire Vehicles (correct as of 3rd August 2018).

2 Consultation

- 2.1 A formal consultation on the above took place between 30th May 2018 and 27th July 2018.
- 2.2 Appendix A of this report is the consultation document that was circulated during the consultation period. Section 1.1 of Appendix A details the proposed criteria for a vehicle to be included on the list. Section 4 of Appendix A details the proposed process for applying for a Medical Exemption.
- 2.3 Information about the consultation was available on Stroud District Council's website. Additionally, the consultation document was circulated to a wide list of consultees including all Councillors and all taxi and private hire licence holders.

- 2.4 The drivers of all currently licensed wheelchair accessible taxis and private hire vehicles were also consulted and no comments on the proposal were received from them.
- 2.5 The comments received during the consultation period are shown in a schedule which is Appendix B of this report.
- 2.6 After the consultation period a working party, made up of Chair and Vice Chair of the Committee, the Head of Health and Wellbeing, Principal Licensing Officer and Legal Officer, considered the comments made during consultation. Appendix B shows the working party's responses to the comments and notes that there are no recommended amendments to the proposal.

3 Recommendation

- 3.1 The majority of responses received supported and welcomed the implementation of a list of designated wheelchair accessible taxi and private hire vehicles under Section 167 and there were no objections from the licensed trade. It is therefore recommended that Committee implements Section 167 of the Equality Act 2010 and adopts the vehicle criteria and Medical Exemption procedure detailed in Appendix A of the report.