

LICENSING COMMITTEE – 17th JULY 2017

RECOMMENDATION TO COUNCIL

EQUALITY ACT 2010 – SECTIONS 165 TO 167 POSITION STATEMENT (Min.5)

The Licensing Committee has considered a report on the recently enacted provisions of sections 165 to 167 of the Equality Act 2010, the Department for Transport (DfT), Statutory Guidance, Access for wheelchair users to Taxis and Private Hire Vehicles, as detailed at Appendix 1 to the report and the draft Position Statement with respect to Sections 165 to 167 of the Equality Act 2010, as detailed as Appendix 2 to the report.

On 7th February 2017 the Department for Transport (DfT) announced their intention to implement sections 165 to 167 of the Equality Act 2010 and made the Equality Act 2010 (Commencement No. 12) Order 2017, which took effect on 6th April 2017.

As a result of this change to the law, drivers of designated wheelchair accessible taxi and private hire vehicles are now obliged to:

- transport wheelchair users in their wheelchair
- provide passengers in wheelchairs with appropriate assistance
- charge wheelchair users the same as non-wheelchair users

The new rules apply in England, Wales and Scotland, apply to both taxis and private hire vehicles and affect vehicles that are designated as wheelchair accessible.

Drivers found to be discriminating against wheelchair users face fines of up to £1,000. Drivers may also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons are able to apply to the Council for an exemption from the new requirements.

The new powers only apply in those areas where the licensing authority has decided to maintain a list of designated vehicles under section 167 of the Equality Act 2010 and where the driver is driving a vehicle included on the list of designated vehicles maintained by the licensing authority.

In order to be able to enforce the new provisions, it is recommended that the Council maintains a list of designated vehicles under section 167 of the Equality Act 2010.

The position statement with respect to Sections 165 to 167 of the Equality Act 2010, contains the following:

- An introduction to the legislative provisions
- A commitment to maintaining a list of designated vehicles
- The accessibility requirements for vehicles that will be entered onto the designated list
- A summary of the duties placed on drivers of designated vehicles
- An explanation of how applications for exemptions from the duties will be dealt with
- A statement on the approach that will be taken in relation to enforcing compliance with the duties.

It is therefore **RECOMMENDED** that

the Council adopts the draft position statement with respect to sections 165 to 167 of the Equality Act 2010, as detailed at Appendix 2 to the report.