

Southend-on-Sea Borough Council
Report of Deputy Chief Executive (Place)
To
Licensing Committee
On
26th June 2019

Report prepared by: Elizabeth Georgeou Group Manager

**Agenda
Item No.**

Access for wheelchair users to Taxis and Private Hire Vehicles

Chair of Licensing Committee: Councillor Helen McDonald

A Part 1 Public Agenda item.

1. Purpose of Report

To request that the Committee agree to the consultation on the draft Medical Exemption Criteria for Hackney Carriage and Private Hire Drivers (Appendix 1). The Exemption Criteria details the process for applying for medical exemptions available to taxi and private hire drivers, which respect to passengers with disabilities under the Equalities Act 2010 'the Act'.

2. Recommendation

That the committee authorise the consultation process to commence with Southend-on-Sea Borough Council's licenced taxi and private hire trade on the draft Medical Exemption Criteria for Hackney Carriage and Private Hire Drivers and Operators.

3. Background

Part 12 Chapter 1 of 'The Act' details the duties of taxis with respect to transport for disabled persons. Sections 170 and 168 respectively of 'The Act' place duties on Operators of private hire vehicles and drivers of taxis and private hire vehicles to carry assistance dogs, where an assistance dog is accompanying a disabled person. There are exemptions available under Section 169 and 170 to this duty, where it is appropriate to do so, on medical grounds. The requirement for carrying assistance dogs has been included as a licensing condition.

The Council has not published the process for applying for an exemption to this requirement and the draft Medical Exemption Criteria seeks to outline this process for Operators and Drivers to provide transparency of process.

The Department of Transport issued Statutory Guidance on Access for wheelchair users to Taxis and Private Hire Vehicles in 2017 under Section 167(6) of 'the Act'. The guidance was issued to assist the local authority in implementing the legal provisions of Section 167 of 'The Act', enabling the Local Authority to make a list of wheelchair accessible vehicles ("designated vehicles"). It includes the requirement under Section 165 for the drivers of those vehicles to

carry passengers in wheelchairs, to provide assistance to those passengers and prohibits them from charging extra.

Section 166 of the Act provides medical exemption to Section 165 for drivers where it is appropriate to do so, on medical grounds. The draft Medical Exemption Criteria details the process that will be followed to provide transparency of process.

Following consultation, and if the Committee adopts the Medical Exemption Criteria, in line with the statutory guidance, all drivers of wheelchair accessible vehicles will be contacted to advise of the vehicles that will be “designated” as wheelchair accessible and listed on the Council website.

Whilst there is no legal requirement to maintain a list under Section 167 of ‘The Act’, the government has strongly recommended that the Council do so.

The purpose of the publishing the designated list is to enable passengers in wheelchairs to be better informed about the accessibility of the taxi and private hire fleet in their area. It aims to increase confidence that they will receive assistance, when needed, to travel safely, and not to be charged more than a non-wheelchair users for the same journey.

4. Corporate Implications

4.1 Contribution to the Southend 2050 Road Map

Publishing the list of ‘designated vehicles’ for passengers wanting to either travel in their wheelchair, or to travel with their wheelchair increases the transparency of the transport options in the Borough. It aims to ensure that taxi and private hire vehicles are accessible to all members of the community and people are not excluded from particular modes of transport. The medical exemption available for drivers, and how this is conveyed to passengers, improves transparency and provides information to passengers.

4.2 Financial Implications

The annual licence fees form part of the overall budget for the Council; however fee levels do not form part of this report. Fees are set at a level which covers the cost of administering the system without making a profit

4.3 Legal Implications

Section 167 of The Equality Act 2010 allows the Council to publish a list of “designated vehicles” for wheelchair accessible vehicles. The Department of Transport Statutory Guidance on Access for wheelchair users to Taxis and Private Hire Vehicles in 2017 details how the Council should implement the requirements.

Consultation on the draft Medical Exemption Criteria forms part of this guidance.

4.4 People Implications

None

4.5 Property Implications

None

4.6 Consultation

Following consideration by Committee, it will be necessary to commence full consultation on the draft. The consultation period will be 6 weeks, followed by assessment of responses and formulation of a final report and the development of a final Medical Exemption Criteria for the Committee to consider.

4.7 Equalities and Diversity Implications

To be completed following the consultation and presented to Committee **with** the result of the consultation.

4.8 Risk Assessment

That the Council does not provide the transparency of the availability of facilities for transporting those requiring assisted transport.

4.9 Value for Money

Not applicable

4.10 Community Safety Implications

None

4.11 Environmental Impact

None

7. Background Papers

1. The Department of Transport Statutory Guidance on Access for wheelchair users to Taxis and Private Hire Vehicles in 2017

8. Appendices

Appendix 1: draft Medical Exemption Criteria for Hackney Carriage and Private Hire Drivers