

Report sponsor: Samantha Dennis, Director of
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Licensing

Equality Act 2010

Provision of Wheelchair Accessible Vehicle List

Purpose

- 1.1 Derby City Council has a responsibility to ensure that the city is open to all and that disabled people are supported when using our facilities by making them more wheelchair accessible.,
- 1.2 Wheelchair users may feel less confident and be deterred from coming into the City if any of the transport links are felt to be less accessible than others and/or require assistance to access and leave a vehicle.
- 1.3 The report details what the Council can introduce to help protect wheelchair users when taking advantage of either the hackney carriage or private hire trades.

Recommendation(s)

- 2.1 That Committee consider the report and agree to the implementation of a Wheelchair Accessible Vehicle List in accordance with Sections 165-167 of the Equality Act 2010 (the Act).

Reason(s)

- 3.1 The legislation allows the Council to ensure that passengers in wheelchairs are better informed about the accessibility of taxi and private hire fleets in the area which in turn will help increase a passenger's confidence in travel particularly as we begin to reopen the city centre.

Supporting information

- 4.1 Although the Equality Act 2010 has been in place for a number of years, not all of the Act has been enacted.
- 4.2 In April 2017, the government introduced some new sections of the Act in relation to the assistance of passengers in wheelchairs using designated taxis and private hire vehicles.

- 4.3 Section 167 allows the Council to create a list of 'designated vehicles' which are capable of carrying passengers in wheelchair.
- 4.4 Section 165 requires drivers of the vehicle to provide mobility assistance to those passengers and prohibit them from charging extra and/or leave a meter running whilst the driver is carrying out their duties.
- 4.5 Section 166 allows Licensing Authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it's appropriate to do so either on medical grounds or because the driver's physical condition makes it impossible for unreasonably difficult for them to comply with the duties. If approved, the driver would be required to display a notice in their vehicle to that effect. Appeals against the decision of the Licensing Authority would be made to the Magistrates' Court.
- 4.6 Before the Council can publish such a list on its' website, all drivers which have been identified as having a wheelchair accessible vehicle (WAV) must be advised of the intention and given the opportunity of applying for an exemption where applicable.
- 4.7 The designated WAV must be capable of carrying some, but not all, types of occupied wheelchairs. Therefore a vehicle will only be included in the list if it is possible for the user of a 'reference wheelchair' to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 4.8 The Department of Transport (DFT) have defined a "reference wheelchair" with a set of dimensions published on their website.
- 4.9 If approved and created, the list will be published on the licensing website and audited and maintained at regular intervals
- 4.10 A driver will be subject to the duties set out in section 65 of the Act if their vehicle, or the vehicle they are driving, appears on the designated list and the driver does not have an exemption from the Licensing Authority.

Public/stakeholder engagement

- 5.1 Engagement will be made with the owners and drivers of WAVs to advise them of the date the designated list will come into effect and the window within which applications can be submitted for an exemption to the requirements.
- 5.2 The Access, Equality and Inclusion Hub and its Taxi Task and Finish Group has requested that we have the 'designated list'.

Other options

- 6.1 Not to implement the introduction of a list of designated wheelchair accessible vehicles.

Financial and value for money issues

- 7.1 It is envisaged that the cost for implementation and maintenance of this licensing function will be covered by the existing licence fees. Fees are evaluated on an annual basis to ensure cost recovery is maintained.

Legal implications

- 8.1 As set out in the report.

Climate implications

- 9.1 None directly arising from this report.

Other significant implications

- 10.1 Equality

Our Access, Equality and Inclusion Hub and members of its Taxi Task and Finish Group have discussed the 'designated list' in detail on several occasions and support the introduction of the list. In addition, members requested that more information about the vehicles be included on the Council website, such as what type of vehicle and whether it is rear or side entry. This list will also enhance disabled passengers' rights under the Equality Act 2010 when using taxis registered in Derby.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Lucie Keeler, Solicitor	05/03/21
Finance		
Service Director(s)		
Report sponsor	Samantha Dennis, Service Director	08/03/21
Other(s)	Michael Kay, Head of Service	17/02/2021
	Ann Webster Lead on Equality and Diversity	22/02/2021

Background papers:	Equality Act 2010 S165-167 DfT Statutory Guidance – Access for Wheelchair Users for Taxis & Private Hire Vehicles
List of appendices:	None