



LICENSING COMMITTEE

30 June 2022

ITEM 08

Report sponsor:
Samantha Dennis, Service Director
Report author:
Michael Kay, Head of Service

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

Purpose

- 1.1 The report provides information on new legislative provisions set out in the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.

Recommendation(s)

- 2.1 To note the contents of the report.
- 2.2 To approve the proposal set out in Paragraph 4.6 of the report.
- 2.3 To approve the proposals set out in Paragraphs 4.8 and 4.12 of the report.

Reasons

- 3.1 Disabled people should be able to travel by taxis and PHVs free from any fear of discriminatory treatment. The changes introduced through the 2022 Act will provide disabled passengers with the reassurance that they will receive appropriate assistance, wherever they travel, without being charged extra.

Supporting information

- 4.1 On 28 June, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 ("The 2022 Act") will take effect in England, Scotland, and Wales.
- 4.2 It will amend the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators alike.
- 4.3 The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against, and local authorities have an important role to play in ensuring the requirements are implemented effectively.
- 4.4 Central Government will shortly publish a revised version of their 2017 guidance, Access for Wheelchair Users to Taxis and Private Hire Vehicles, for licensing authorities. This will set out advice and recommendations on implementing the duties under the taxi and PHV section of the Equality Act.

Lists of Wheelchair Accessible Vehicles (WAVs)

- 4.5 From 28 June, all licensing authorities must maintain and publish a list of licenced taxis and PHVs they designate as being wheelchair accessible. This will identify the vehicles whose drivers are subject to the duties at section 165 on providing assistance to wheelchair users and refraining from charging extra for this. The Council already meets this requirement.

Exemptions

- 4.6 Currently, drivers of designated WAVs may apply for an exemption certificate on medical grounds or where their physical condition makes it impossible or unreasonably difficult to perform the section 165 duties. Exemptions are currently granted from all the duties at section 165. The Council already has a process in place to receive and consider applications for exemption certificates, details of which can be found on the Council's website at the link set out below.

<https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/licences/taxis/drivers/wheelchair-medical-exemption-application-form.pdf>

Officers have reviewed these existing procedures and ask committee to approve them as an appropriate and transparent policy in place for inviting and considering applications and issuing exemption certificates and notices under the new Act.

- 4.7 As a result of the new Act, from 28 June:
- All taxi and PHV drivers may apply for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties at sections 164a and 165 (as added/amended by the 2022 Act).
 - Both existing and new exemption notices, when displayed correctly, will exempt a driver only from the mobility assistance duties at sections 164a and 165 – meaning, for example, that a driver's medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person.
- 4.8 To meet these requirements, the Council will need to:
- Inform all licensed drivers that they will shortly be subject to the new duties introduced by the 2022 Act, and that any who consider themselves medically or physically unfit to perform the mobility assistance duties and who do not already hold an exemption should contact the authority to seek an exemption as a matter of urgency.
 - Inform drivers who currently hold an exemption notice that the notice will continue to remain valid until replaced or withdrawn by the authority, and that, regardless of the notice wording, from 28 June it will exempt drivers only from the mobility assistance duties at new sections 164a and 165.

New requirements for drivers and operators

4.9 The existing legislation requires drivers of designated wheelchair accessible vehicles to accept the carriage of wheelchair users, provide them with reasonable mobility assistance, and refrain from charging them more than other passengers. From 28 June, all taxi and PHV drivers and operators – regardless of whether the vehicle is wheelchair accessible – will be subject to duties under the Equality Act.

4.10 Taxi and PHV drivers will be required to:

- Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

4.11 PHV operators will be required to:

- Accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.

4.12 To meet these requirements, the Council will need to:

- Communicate with operators and drivers to ensure that they understand the new requirements, and the enforcement action the authority will take in response to any non-compliance.
- Update any internal guidance the authority uses to support both reactive and proactive enforcement of the Equality Act provisions.

Public/stakeholder engagement

5.1 The Council will communicate with operators and drivers about the changes and updated information will be set out on the licensing service's website pages to update service users and the wider public.

Other options

6.1 None as the requirements are set out under new legislative provisions.

Financial and value for money issues

7.1 There are no financial or value for money issues that directly relate to the information set out in the report.

Legal implications

- 8.1 The proposals set out in the report are part of new legislative provisions that the Council must have regard to. Failure to meet the requirements may result in action being taken against the Council.

Climate implications

- 9.1 There are no climate implications that directly relate to the information set out in the report.

Other significant implications

- 10.1 The changes introduced through the 2022 Act will provide disabled passengers with the reassurance that they will receive appropriate assistance, wherever they travel, without being charged extra.

At the moment nationally and locally, there is a great shortage of the availability of wheelchair accessible PHVs making it really difficult for our disabled citizens to go out if they are dependent on taxis. This has been discussed at our Access, Equality and Inclusion Hub with Council colleagues and the Taxi Trade as a matter of urgency. We will produce a further report about this issue at a later date.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu, Head of Legal	21/06/22
Finance	Janice Hadfield, Head of Finance	21/06/22
Service Director(s)	-	
Report sponsor	Samantha Dennis, Service Director	21/06/22
Other(s)	Ann Webster, Equality and Diversity Lead	20/06/22

Background papers:	None
List of appendices:	None