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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
Bridgend County Borough Council

Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

Rydym yn croesawu gohebiaeth yn Gymraeg. Rhowch wybod i ni os mai Cymraeg yw eich dewis iaith.
We welcome correspondence in Welsh. Please let us know if your language choice is Welsh.

Gwasanaethau Gweithredol a Phartneriaethol / Operational and Partnership Services
Deialu uniongyrchol / Direct line /: 01656 643147 / 643148
Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:
Eich cyf / Your ref:

Dyddiad/Date: Dydd Mercher, 14 Chwefror 2018

Annwyl Cynghorydd,

PWYLLGOR TRWYDDEDU

Cynhelir Cyfarfod Pwyllgor Trwyddedu yn Ystafelloedd Pwyllgor 2/3 - Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont ar Ogwr CF31 4WB ar **Dydd Mawrth, 20 Chwefror 2018** am **09:30**.

AGENDA

1. Ymddiheuriadau am absenoldeb
   Derbyn ymddiheuriadau am absenoldeb gan Aelodau.

2. Datganiadau o fuddiant
   Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008.

3. Cymeradwyaeth Cofnodion — 3 - 4
   I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 11/12/17

4. Deddf Cydraddoldeb 2010 Dirprwyo Awdurdod — 5 - 8

5. Materion Brys
   I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

Yn ddiffuant
P A Jolley
Cyfarwyddwr Gwasanaethau Gweithredol a Phartneriaethol

Dosbarthiad:

Cynghowrwyr	Cynghorwyr	Cynghorwyr
PA Davies	SE Baldwin	AA Pucella
DRW Lewis	RJ Collins	JE Williams
JE Lewis	DK Edwards	MJ Kearn
DG Owen	B Jones	A Hussain
RM James	G Thomas	

COFNODION CYFARFOD Y PWYLLGOR TRWYDDEDU A GYNHALIWYD YN YSTAFELLOEDD PWYLLGOR 2/3 - SWYDDFEYDD DINESIG, STRYD YR ANGEL, PEN-Y-BONT AR OGWR CF31 4WB DYDD LLUN, 11 RHAGFYR 2017, AM 14:00

Presennol

Y Cynghorydd DRW Lewis – Cadeirydd

JE Lewis	RM James	DK Edwards	G Thomas
MJ Kearn	A Hussain		

Ymddiheuriadau am Absenoldeb

AA Pucella a/ac JE Williams

Swyddogion:

Andrea Lee	Uwch Cyfreithiwr
Andrew Rees	Uwch Swyddog Gwasanaethau Democrataidd - Pwyllgorau
Daniel Cook	Swyddog Polisi Trwyddedu

10. DATGANIADAU O FUDDIANT

Dim.

11. CYMERADWYO'R COFNODION

PENDERFYNWYD: Bod cofnodion cyfarfod y Pwyllgor Trwyddedu dyddiedig 24 Hydref 2017 yn cael eu cymeradwyo fel cofnod gwir a chywir.

12. DEDDF CYDRADDOLDEB 2010

Cyflwynodd y Swyddog Polisi Trwyddedau adroddiad ar effaith Adrannau 165 ac 167 o Ddeddf Cydraddoldeb 2010 a ddaeth i rym ar 6 Ebrill 2017 ac ar gynigion i'r Pwyllgor benderfynu a ddylid cynnal rhestr o gerbydau dynodedig yn unol â'r Ddeddf honno.

Hysbysodd y Pwyllgor fod Adran 165 o Ddeddf Cydraddoldeb 2010 yn rhoi ‘dyletswyddau’ penodol ar yrrwr "cerbyd dynodedig" h.y. cerbyd hacnai a cherbydau hurio preifat sy'n hygyrch i gadeiriau olwyn. Ac roedd Adran 167 o'r Ddeddf yn darparu'r pwerau i'r Cyngor wneud rhestrau o gerbydau sy'n hygyrch i gadeiriau olwyn (h.y. “cerbydau dynodedig”). Dywedodd er nad yw Awdurdodau Lleol o dan unrhyw rwymedigaeth gyfreithiol benodol i gynnal rhestr o dan y Ddeddf, mae'r Llywodraeth yn argymell yn gryf eu bod yn gwneud hynny. Nododd na fyddai gofynion Adran 165 o'r Ddeddf yn berthnasol heb restr o'r fath.

Dywedodd y Swyddog Polisi Trwyddedu hefyd y gall fod gan rai gyrwyr gyflwr meddygol neu anabledd neu gyflwr corfforol sy'n ei gwneud yn amhosibl neu'n afresymol o anodd iddynt ddarparu'r math o gymorth corfforol sy'n ofynnol o dan y dyletswyddau hyn. O dan yr amgylchiadau hynny, mae'r Ddeddf yn caniatáu i'r Cyngor roi esemptiadau o'r dyletswyddau i yrwyr unigol. Nododd y bydd gyrwyr sydd wedi cael esemptiad yn derbyn hysbysiad, a rhaid ei ddangos yn y cerbyd.

Hysbysodd y Pwyllgor fod rhestr ddrafft o "gerbydau dynodedig" wedi'i llunio a chynigiwyd bod unrhyw gerbyd hacnai neu gerbyd hurio preifat a allai gario cadair olwyn (gyda'r defnyddiwr yn ei le), yn cael ei gynnwys ar y rhestr. Nododd fod, ar hyn o

bryd, 34 o gerbydau hacnai a 16 o gerbydau hurio preifat sy'n meddu ar y gallu hwn. Byddai angen i'r rhestr o gerbydau dynodedig gael ei chynnal a chynigiwyd bod rhestr wedi'i diweddaru'n cael ei chyhoeddi ar wefan y Cyngor yn fisol. Cynigiwyd hefyd gyhoeddi'r rhestr gyntaf o gerbydau dynodedig ar 1 Mawrth 2018. Nododd y bydd y rhestr gyhoeddedig yn rhoi manylion y rhif trwydded cerbyd, rhif cofrestru, gwneuthuriad a model, ac a yw'r cerbyd yn gerbyd hacnai neu ar gyfer defnydd hurio preifat yn unig. Pan fydd y rhestr wedi'i chyhoeddi, byddai'n drosedd i yrrwr (oni bai ei fod wedi'i esemptio) cerbyd hacnai neu gerbyd hurio preifat sydd ar y rhestr ddynodedig fethu cydymffurfio â'r dyletswyddau sy'n ofynnol o dan y Ddeddf.

PENDERFYNWYD: Bod y Pwyllgor yn cymeradwyo'r cynnig i gyhoeddi a chynnal rhestr o gerbydau dynodedig yn unol â Deddf Cydraddoldeb 2010.

13. EITEMAU BRYS

Nid oedd unrhyw eitemau brys.

Daeth y cyfarfod i ben am 14:18

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

20 FEBRUARY 2018

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

EQUALITY ACT 2010 DELEGATION OF AUTHORITY

1. Purpose of Report.

1.1 The purpose of this report is to:

- To determine whether to give delegated authority to the Corporate Director Operational and Partnership Services to issue exemption certificates from the requirements of Section 165 of the Equality Act 2010.

- To determine whether to give the Head of the Shared Regulatory Services the delegated authority to maintain, update and publish a list of wheelchair accessible vehicles, in accordance with Section 167 of the Equality Act 2010.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The proposals are necessary to assist the Council in discharging its functions as a taxi licensing authority.

3. Background.

3.1 On 6 April 2017, Section 165 and 167 of the Equality Act 2010 were commenced.

3.2 Section 165 of the Equality Act 2010 places specific 'duties' on the driver of a "designated vehicle" i.e. hackney carriage and private hire vehicles that are wheelchair accessible. These duties are:

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required.

3.3 Section 167 of the Act provides the Council with the powers to make lists of wheelchair accessible vehicles (i.e. "designated vehicles"). When the list is published, it will be an offence for a driver of a designated vehicle (unless they are exempt) which is on the list to fail to comply with the duties listed above.

4. Current situation / proposal.

4.1 On 11 December 2017 Members approved the proposal to publish and maintain a list of “designated vehicles” in accordance with Section 167 of the Equality Act 2010, enabling the Council to enforce Section 165 of the Act.

4.2 Some drivers may have a medical condition, disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. The Act allows the Council to grant exemptions from the duties to individual drivers.

4.3 Drivers who have been granted an exemption will be issued with a notice, which must be displayed in the vehicle.

4.4 The Licensing Department has written to drivers and proprietors of designated vehicles in order to notify them of the changes and inviting them to submit an application for an exemption if required.

4.5 Drivers who wish to apply for an exemption will be required to arrange for a medical assessment to be undertaken by a GP at their registered practice. The GP will be required to make a declaration that it will be impossible or unreasonably difficult for the driver to comply with the duties specified in the Act and that they should be granted an exemption.

4.6 It is proposed that delegated authority be given to the Corporate Director Operational and Partnership Services to issue exemption certificates from the requirements of Section 165 of the Equality Act 2010.

4.7 Following the initial publication of the designated vehicles list, it will need to be maintained and updated as vehicles are replaced and new vehicle licenses issued. The published list will be updated on the Council’s website on a monthly basis.

4.8 In order to facilitate the maintaining of the designated vehicle list, it is proposed that the Head of the Shared Regulatory Services be given delegated authority to maintain, update and publish the list of designated vehicles, in accordance with Section 167 of the Equality Act 2010.

5. Effect upon Policy Framework & Procedure Rules.

5.1 There is a right of appeal against a decision to include a vehicle on the designated list to the Magistrates' Court.

5.2 There is a right of appeal against a decision to refuse to grant an exemption certificate to the Magistrates’ Court.

6. Equality Impact Assessment

6.1 A Screening Assessment has been undertaken to assist the Council in implementing an administrative process for taxi/private hire operators/drivers in line with the Equality Act 2010 and it is not anticipated that this will have any effect on their service users

7. Financial Implications.

7.1 There is no direct financial impact on the Council. All costs are contained within existing budgets.

8. Recommendation.

8.1 It is recommended that members:

- Approve the proposal to give delegated authority to the Corporate Director Operational and Partnership Services to issue exemption certificates from the requirements of Section 165 of the Equality Act 2010.
- Approve the proposal to give the Head of the Shared Regulatory Services the delegated authority to maintain, update and publish a list of wheelchair accessible vehicles, in accordance with Section 167 of the Equality Act 2010.

P A Jolley
Corporate Director Operational and Partnership Services

Date – report send out

Contact Officer: Daniel Cook
Licensing Policy Officer

Telephone: (029) 2087 1022

E-mail: licensing@bridgend.gov.uk

Postal Address Licensing
Bridgend County Borough Council
Civic Offices
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CF31 4WB

Background documents

None

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