

Public Document Pack
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: Wednesday, 14 February 2018

Dear Councillor,

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in the Committee Rooms 2/3 - Civic Offices
Angel Street Bridgend CF31 4WB on **Tuesday, 20 February 2018 at 09:30.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in
accordance with the provisions of the Members Code of Conduct adopted by Council from 1
September 2008.
3. Approval of Minutes 3 - 4
To receive for approval the minutes of the 11/12/17
4. Equality Act 2010 Delegation of Authority 5 - 8
5. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in
accordance with Rule 4 of the Council Procedure Rules and which the person presiding at
the meeting is of the opinion should by reason of special circumstances be transacted at the
meeting as a matter of urgency.

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

**By receiving this Agenda Pack electronically you will save the Authority approx. £0.16 in
printing costs**

Councillors:

PA Davies
DRW Lewis
JE Lewis
DG Owen
RM James

Councillors

SE Baldwin
RJ Collins
DK Edwards
B Jones
G Thomas

Councillors

AA Pucella
JE Williams
MJ Kearns
A Hussain

LICENSING COMMITTEE - MONDAY, 11 DECEMBER 2017

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOMS 2/3 - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON MONDAY, 11 DECEMBER 2017 AT 14:00

Present

Councillor DRW Lewis – Chairperson

JE Lewis
MJ Kearn

RM James
A Hussain

DK Edwards

G Thomas

Apologies for Absence

AA Pucella and JE Williams

Officers:

Andrea Lee
Andrew Rees
Daniel Cook

Senior Lawyer
Senior Democratic Services Officer - Committees
Licensing Policy Officer

10. DECLARATIONS OF INTEREST

None.

11. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of the Licensing Committee of 24 October 2017 be approved as a true and accurate record.

12. EQUALITY ACT 2010

The Licensing Policy Officer reported on the impact of Sections 165 and 167 of the Equality Act 2010 which commenced on 6 April 2017 and on proposals for the Committee to determine whether to maintain a list of designated vehicles in accordance with that Act.

He informed the Committee that Section 165 of the Equality Act 2010 placed specific 'duties' on the driver of a "designated vehicle" i.e. hackney carriage and private hire vehicles that are wheelchair accessible. While Section 167 of the Act provided the Council with powers to make lists of wheelchair accessible vehicles (i.e. "designated vehicles"). He stated that whilst Local Authorities are under no specific legal obligation to maintain a list under the Act, the Government recommends strongly that they do so. He stated that without such a list, the requirements of Section 165 of the Act would not apply.

The Licensing Policy Officer also reported that some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. In those circumstances, the Act allows the Council to grant exemptions from the duties to individual drivers. He stated that drivers who have been granted an exemption will be issued with a notice, which must be displayed in the vehicle.

He informed the Committee that a draft list of "designated vehicles" has been produced and it was proposed that any hackney carriage or private hire vehicle that was capable of carrying a wheelchair (with the user in situ), be included on the list. He stated that

LICENSING COMMITTEE - MONDAY, 11 DECEMBER 2017

there were currently 34 hackney carriages and 16 private hire vehicles that have this ability. The designated vehicles list would need to be maintained and it was proposed that an updated list be published on the Council's website on a monthly basis. It was also proposed to publish the first list of designated vehicles on 1 March 2018. He stated that the published list will detail the vehicle licence number, registration, make and model, and whether the vehicle is a hackney carriage or for private hire use only. Once the list is published, it would be an offence for the driver (unless exempt) of a hackney carriage or private hire vehicle which is on the designated list to fail to comply with the duties required by the Act.

RESOLVED: That the Committee approved the proposal to publish and maintain a list of designated vehicles in accordance with the Equality Act 2010.

13. **URGENT ITEMS**

There were no urgent items.

The meeting closed at 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
Angel Street
Bridgend
CF31 4WB

Background documents

None

This page is intentionally left blank