

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

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Background documents

None