

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	19 JULY 2017	6
EQUALITY ACT			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The purpose of this report is to advise Members of the implementation of sections of the Equality Act 2010, which impact on the taxi trade.

RECOMMENDATION

That the Committee consider the report to proceed with the publication of a list of designated vehicles in accordance with S.167 of The Equality Act 2010.

SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions in this matter.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

- On 6th April 2017 Sections 165 and 167 of the Equality Act (The Act) came into force. For ease of reference, the sections are appended in full to this report at Appendix A.
- To summarise, S165 places duties on the driver of a taxi or private hire vehicle, making it an offence not to offer reasonable assistance, to charge extra for providing any assistance, or to refuse a fare from a disabled passenger altogether.
- S.167 grants Licensing Authorities the power to maintain a list of designated licensed vehicles which are wheelchair accessible, and should include the details only of vehicles which are capable of carrying a passenger in their wheelchair. The list should include the make and model of the vehicle, whether or not it is a hackney carriage or private hire vehicle, and the name of the proprietor or operator.
- It is important to note that it is not a requirement of any Licensing Authority to maintain a list under S.167 of The Act, however, if the Authority decides not to maintain such a list, S.165 does not have effect.

5. Under S.166 of the Act, drivers may already apply for an exemption from their duties of assistance to passengers in wheelchairs on medical or physical grounds, and this exemption may be valid for a length of time that the Authority think appropriate. There no exemptions currently issued in Fylde.
6. [Statutory guidance](#) has now been published by the Department of Transport, and therefore Licensing Authorities are obliged to give it due regard when making relevant policy decisions.
7. Members will note that it is strongly recommended that Licensing Authorities do choose to maintain a list of designated vehicles, which in turn activates the provisions of S.165, making it an offence for drivers to fail to give reasonable assistance.
8. Having regard to the guidance issued, Members are asked to confirm that they wish Officers to undertake the preparation of a list of designated vehicles, and to construct a policy governing the application process for an exemption certificate.
9. Members are asked to note section 2.8 of the statutory guidance setting out a timeline for the implementation of the changes.
10. If Members are minded to instruct Officers to proceed with the preparation of the necessary documents and procedures, then the completed regime will be presented for final approval at a subsequent meeting of the Public Protection Committee on 15th June 2017, following which drivers will be given a period of time to apply for an exemption before the list of vehicles is published.
11. It should also be noted that the implementation of S.167 of The Equality Act 2010 will assist people with a disability to easily access an appropriate vehicle, therefore it is recommended to proceed with the publication of a list of designated vehicles in accordance with S.167 of The Equality Act 2010.
12. Members are therefore requested to consider the report and determine whether:
 - a) to proceed with the publication of a list of designated vehicles in accordance with S.167 of the Equality Act 2010.
 - b) Not to proceed with the publication of a list of designated vehicles in accordance with S.167 of the Equality Act 2010.

The implementation of S.167 of The Equality Act 2010 will assist people with a disability to easily access an appropriate vehicle, therefore it is recommended to proceed with the publication of a list of designated vehicles in accordance with S.167 of The Equality Act 2010.

IMPLICATIONS	
Finance	There are no implications arising directly from the report.
Legal	The legal implications and considerations are set out in the report.
Community Safety	There are no implications arising directly from the report.
Human Rights and Equalities	implementation of S.167 of The Equality Act 2010 will assist people with a disability to easily access an appropriate vehicle
Sustainability and Environmental Impact	There are no implications arising directly from the report.
Health & Safety and Risk Management	There are no implications arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Department for Transport, Access for Wheelchair Users to Taxis and Private Hire Vehicles	February 2017	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf

