

Report of	Meeting	Date
Director (Customer and Digital)	Council	4 September 2020

IMPLEMENTATION OF THE EQUALITY ACT 2010 IN RELATION TO DESIGNATED WHEELCHAIR ACCESSIBLE VEHICLES

PURPOSE OF REPORT

1. To advise members of the responses to the consultation and request members approve the policy amendments and appropriate implementation date.

RECOMMENDATION(S)

2. That members note the consultation responses, adopt the policy with amendments effective from 2nd September 2020.

EXECUTIVE SUMMARY OF REPORT

3. At the Licensing and Public Safety Committee on 19th February 2020, members agreed to consult with the trade on a number of policy changes, namely, the implementation of a list of designated wheelchair accessible vehicles, an amendment to the vehicle type conditions and an amendment to the Council's "invitation to renew" relating to hackney carriage and private hire licensing.
4. Consultation was carried out with the whole of the licensed taxi/private hire trade and several key stakeholders. A list of all those consulted upon is appended at [Appendix 1](#). The consultation document was also published on the Council's website.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

5. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	
Clean, safe and healthy homes and communities		An ambitious council that does more to meet the needs of residents and the local area	

CONSULTATION RESPONSES

6. During the consultation period, only one response, from Lancashire County Council Integrated Transport Services, was received which is summarised below:

Policy Amendment	Consultation Response	Officer's Response
1. Implementation of Designated WAV List	Suggested measures which would denote what "steps are necessary to ensure that the passenger is carried in safety and reasonable comfort"	Unnecessary to add- if a driver failed to take such steps, he would commit a criminal offence and may be prosecuted. It would depend on the facts whether it was determined they had provided sufficient assistance.
2. Policy for Exempting Drivers from the Responsibilities under the Act	No response	
3. Vehicle Type Condition Amendment	Proposes having direct unrestricted access to an exit door	Council's policy already sets minimum limits which are permitted for access to rear seats.
4. Amendment to Renewal Process	No response	

7. The full response is appended at [Appendix 2](#) of this report.

IMPLEMENTATION

8. In relation to points 1. and 2. above and in the absence of opposition from the trade, it is recommended that implementation take place on formal approval of the policy. Following this, officers shall inform vehicle proprietors of their intention to place a vehicle on the list and invite applications for exemptions within two weeks. On expiry of this two-week period, the list of designated vehicles shall be published and the new duties shall take effect. The policy for approval is appended to Appendix 3 of the report.
9. There is a statutory right of appeal to the Magistrates' Court within 28 days of such refusal, available to drivers who are refused an exemption from these additional duties.
10. In relation to points 3. and 4. of the points above, it is recommended implementation take immediate effect.
11. Consultation with the Chair of the Licensing and Public Safety Committee on 7th August 2020, who agreed that the approach detailed above was appropriate.

IMPLICATIONS OF REPORT

12. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

13. Failure to implement the list means that the Authority does not have any power to act against proprietors who fail to carry wheelchair users. This risks reputational damage to the Council and offers no level of recourse for disabled customers.
14. The Council can review a private hire/ hackney carriage driver's licence if they demonstrate behaviour which could call into question whether they remain a fit and proper person to hold such a licence.

COMMENTS OF THE STATUTORY FINANCE OFFICER

15. No comment

COMMENTS OF THE MONITORING OFFICER

16. The duty of a Council which maintains a list is to have regard to statutory guidance is referred to in the body of the report.
17. Section 172 of the Equality Act 2010 confers the right on a vehicle owner to appeal against the inclusion of their vehicle on a designated list, as well as the right for an aggrieved person to appeal against refusal to issue an exemption certificate. An appeal must be made to the local Magistrates' Court within 28 days beginning with the date of either the inclusion or refusal.
18. Breach of the duties contained in section 165 of the Equality Act 2010 is an offence punishable by a fine in the Magistrates' Court of up to £1,000.
19. Under normal circumstances Members would undertake the decision-making process on whether to implement the new changes. However, if an urgent decision is required to be made then there is an urgency provision where the Chief Executive can substitute for the Members. Chair and Vice Chair of the committee should be advised if this is the intention to take this step and their agreement to any proposed implementation date.

ASIM KHAN
DIRECTOR (CUSTOMER AND DIGITAL)

Report Author	Ext	Date
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