

LICENSING REGULATORY COMMITTEE

Wheelchair Accessible Vehicles Publishing a List of Licensed Vehicles 31st August 2017

Report of Food & Safety Manager

PURPOSE OF REPORT

To inform the Committee of action taken by the Food, Safety and Licensing Manager to publish a list of Wheelchair Accessible Vehicles on the Council's website.

This report is public.

RECOMMENDATION

That the Committee note the action taken.

1.0 Introduction

- 1.1 The Equality Act 2010 (Commencement No. 12) Order 2017 brought into force on the 6th April 2017 Sections 165 and 167 of the Equality Act 2010
- 1.2 Section 165 imposes duties on the driver of a designated taxi and the driver of a designated private hire vehicle ("a designated vehicle"), to carry passengers who are wheelchair users so as to enable wheelchair users to access and exit designated vehicles.
- 1.3 Section 165 also creates a new criminal offence if the driver of a designated vehicle fails to comply with the duties specified in Section 165.
- 1.4 Section 166 provides that the driver of a designated vehicle is exempted from the duties imposed by Section 165 if a licensing authority issues the driver with an exemption certificate which is in force and the prescribed notice of the exemption is exhibited in the designated vehicle in the prescribed manner. However, as the vehicle is already a designated vehicle it is uncertain on what grounds a driver could put forward as reasonable for the Council to issue an exemption.

- 1.5 Section 166 also provides that a taxi or private hire vehicle is “designated” if it appears on a list maintained under section 167.
- 1.6 Section 167 of the Equality Act 2010 provides that for the purposes of Section 165, a licensing authority may maintain a list of vehicles which are either hackney carriage or private hire vehicles and conform to such accessibility requirements as the licensing authority thinks fit.
- 1.7 Until now, this Council has not published such a list. Publishing a list of designated vehicles does not in itself guarantee availability, although it clearly does improve the likelihood that the customer will secure a taxi on request.

2.0 Publishing the List of Designated Vehicles.

- 2.1 There are currently 15 designated wheelchair accessible hackney carriage vehicles licensed by this Council together with 1 further hackney carriage vehicle and 3 private hire vehicles who have self-designated themselves as being suitable for carrying wheelchairs. The 15 hackney carriage vehicles all operate through 3 local operators.
- 2.2 *Section 167 provides that for the purposes of Section 165, a licensing authority may maintain a list of vehicles which are either taxis or private hire vehicles and conform to such accessibility requirements as the licensing authority thinks fit. In accordance with this provision, Lancaster has now published such a list.*
- 2.3 Appendix 1 shows the text now included on the Licensing page of Lancaster City Council’s website.
- 2.4 The operators and proprietors appearing on the list have been contacted and advised of the proposal to publish the list as well as to seek agreement to publish a contact telephone number. Members will note that the contact numbers shown are a mixture of private contact numbers for drivers and operators.
- 2.5 In addition to contact by phone, each operator and proprietor will be informed in writing of their obligations under the Equality Act 2010.
- 2.6 Members will also recall that at the June 2017 Committee, there was a report on the findings from the Hackney Unmet Demand Survey and this included reference to the availability of wheelchair accessible vehicles. The Committee requested that a report be submitted to a future meeting of this Committee identifying potential options to address the matter more fully. It was hoped that a new Licensing Manager would now be in post to take this matter further. However, delays in recruitment have delayed this piece of work.

3.0 Conclusion

- 3.1 Members are asked to note the actions of the Food, Safety and Licensing Manager.

CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

By publishing the list of wheelchair accessible vehicles, as outlined in Section 167 of the Equality Act, this will help provide the public with contact information for Taxi proprietors and operators of suitable vehicles within the Lancaster area.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted.

LEGAL IMPLICATIONS

Members should note the obligations placed upon proprietors of designated hackney carriage vehicles, but this does not place any obligation on times when the vehicle will be available.

BACKGROUND PAPERS

The background papers are exempt.

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