

LICENSING COMMITTEE

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

30 June 2022

Report of Licensing Manager

PURPOSE OF REPORT

To inform the Committee of the commencement of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. Additionally, bring to members attention a letter from Ruth Harper, Deputy Director of the Accessible & Inclusive Travel Team in the Department for Transport. The letter sets out recommendations on the actions that Local Licensing Authorities can take to prepare for the changes introduced through the legislation.

The report is public

RECOMMENDATIONS

- 1) That the Committee note the contents of the report and current measures applied by the licensing service to meet the requirements set out in the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.**

1.0 Introduction

- 1.1 Lancaster City Council is responsible for licensing hackney carriage and private hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council must have regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
- 1.2 On 28 June, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 ("The 2022 Act") will take effect in England, Scotland, and Wales. It will amend the Equality Act 2010 to introduce new and amend existing duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators alike. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against, and local authorities have an important role to play in ensuring the requirements are implemented effectively.
- 1.3 The Council will need to review its current level of compliance so that they meet the minimum standards as outlined in the legislation. The Council will need to be transparent in explaining the reasons for the standards it adopts.

2.0 Report

- 2.1 From 28 June 2022, all licensing authorities must maintain and publish a list of licenced hackney carriage and private hire vehicles they designate as being wheelchair

accessible. This will identify vehicles whose drivers are subject to the duties at section 165 on providing assistance to wheelchair users and refraining from charging extra for it. Drivers can apply for an exemption certificate on medical grounds, or they have a physical condition that would restrict their ability to assist a person and their wheelchair.

- 2.2 The existing legislation requires drivers of designated wheelchair accessible vehicles to accept the carriage of wheelchair users, provide them with reasonable mobility assistance, and refrain from charging them more than other passengers. From 28 June, all licensed drivers (private hire and hackney carriage) and private hire operators; regardless of whether the vehicle is wheelchair accessible, will be subject to duties under the Equality Act. The main changes are as follows.

Taxi and PHV drivers will be required to:

- Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

PHV operators will be required to:

- Accept bookings for or on behalf of any disabled person if they have a suitable vehicle available.

- 2.3 Currently, drivers of designated wheelchair accessible vehicles may apply for an exemption certificate on medical grounds or where their physical condition makes it impossible or unreasonably difficult to perform the section 165 duties. Exemptions are currently granted from all of the duties at section 165.

As a result of the new Act, from 28 June:

- All taxi and PHV drivers may apply for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties at sections 164a and 165 (as added/amended by the 2022 Act).
- Both existing and new exemption notices, when displayed correctly, will exempt a driver only from the mobility assistance duties at sections 164a and 165 – meaning, for example, that a driver’s medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person.

3.0 Next steps

- 3.1 Lancaster City Council currently licence 15 mandatory wheelchair accessible vehicles “WAVs”, a list of which is available for the public on the Council website. If any of these vehicles come to the end of its road life, it must be replaced with a WAV. Additionally other vehicle proprietors who could offer wheelchair accessible service are also included in the published list. The list was last updated on 14 June 2022.

- 3.2 Under the requirements of “the Act” a vehicle must be added to the list of designated vehicles if it “conforms to such accessibility requirements as the licensing authority thinks fit”. Vehicles placed on the list should be capable of carrying wheelchair users either in their wheelchair or in a passenger seat (depending on which the wheelchair user prefers), including allowing passengers to:
- get into and out of the vehicle in safety
 - travel in the vehicle in safety and reasonable comfort

This means that, to be placed on a list, a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The government recommends that a vehicle should be included in a list only if it would be possible for the user of a “reference wheelchair” to enter, leave, and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

**The “reference wheelchair” is defined as 700mm in width, 1200mm in length, and 1350mm in height.

By taking this approach it will allow the duties at section 165 of the Equality Act 2010 to apply to more drivers than if the licensing authority only included vehicles capable of accommodating larger types of wheelchairs on their lists.

- 3.3 The government recognises that this approach will mean that some types of wheelchair or mobility aids, such as powered wheelchairs and mobility scooters, may be unable to access some of the vehicles included in the list. The Equality Act 2010 recognises this possibility, and driver defences are in place at section 165 if it would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle, or it would not otherwise have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle.

Any hackney carriage or a private hire vehicle which conforms to the Councils accessibility requirements must be published on the list.

- 3.4 In order to comply with the new requirements, it will be necessary to review the fleet of licensed vehicles operating in the district. Drivers and private hire operators will also need to be notified of the requirements of the Act; this will include updating the information available on the Councils website, application forms being amended, and guidance being issued to the trade through newsletters etc.
- 3.5 Attached at **Appendix A** is a letter from Ruth Harper, Deputy Director of the Accessible & Inclusive Travel Team in the Department for Transport. The letter sets out actions the Council should consider in preparing for the updates to the legislation.

4.0 Conclusion

- 4.1 The report introduces the provisions of Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. The Council will need to review licensing procedures to ensure compliance with the legislation and associated guidance.
- 4.2 The introduction of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 will ensure that disabled people can access transport services, free from the fear of discriminatory treatment or being faced with additional charges. It will provide specific rights and protections for 13.7 million disabled people across England, Scotland, and Wales so that they can travel with the confidence that they will receive the assistance they require when accessing taxi and private hire vehicle services.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety,
Sustainability and Rural Proofing):**

The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. aims to ensure that disabled people can use hackney carriage and private hire services with confidence that they will not be discriminated against, and local authorities have an important role to play in ensuring the requirements are implemented effectively.

LEGAL IMPLICATIONS

There are no legal implications arising from the report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the report

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services,
Property, Open Spaces**

None identified

SECTION 151 OFFICER'S COMMENTS

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MONITORING OFFICER'S COMMENTS

BACKGROUND PAPERS

None

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