

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

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| SUBJECT: Wheelchair Accessible Vehicles |
| DIRECTORATE: Social Care, Safeguarding and Health |
| MEETING: Licensing & Regulatory Committee |
| Date to be considered: 26 th September 2017 |
| DIVISION/WARDS AFFECTED: All Wards |

1. PURPOSE:

- 1.1 To agree to the Local Authority maintaining a list of “designated vehicles”, that is a list of wheelchair accessible Hackney Carriage and Private Hire Vehicles in accordance with Section 167 of the Equalities Act 2010.

2. RECOMMENDATION(S):

- 2.1 It is recommended that:-

Members approve a list of designated wheelchair accessible Hackney Carriage and Private Hire Vehicles.

3. KEY ISSUES

- 3.1 The Equalities Act 2010, on 6th April 2017 introduced changes to encompass wheelchair accessible vehicles within the taxi trade. The changes in the Act gives licensing authorities the power to maintain a list of wheelchair accessible Hackney Carriages (Taxis) and Private Hire Vehicles (PHVs). This means that licensing authorities can choose whether they wish to maintain a list of designated vehicles. However, it is strongly recommended by the Secretary of State that all licensing authorities to do so, as the objective of this provision is improve the travelling experience for people who use wheelchairs. This list is solely for wheelchair accessible vehicles.
- 3.2 Prior to the change in legislation, the Licensing Section already held details of those vehicles that were wheelchair accessible. The current Taxi and Private Hire Policy and Conditions adopted by Monmouthshire County Council in 2016 also referred to disability awareness and the duties of drivers should a wheelchair user wish to use a Taxis or PHVs (See Appendix A). As such, it seemed logical to designate the list as measures were already currently in place.
- 3.3 The law did not state, the extent of the details that need to be placed on the list. To assist it’s users and to ensure compliance, the 20 vehicles held on record as being wheelchair accessible were written to on 3rd May 2017. This letter explained that a list of designated wheelchair vehicles was to be placed on Monmouthshire County Council website, which if agreed by them, would include the following details;
- Licence Number
 - Car Registration Number
 - Vehicle
 - Total Passenger Capacity
 - Company

- Company Telephone Number

The letter further advised them that once they were placed on this designated list, the drivers of those vehicle must adhere to the following duties under Section 165 of the Equalities Act 2010:-

- 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; and
- to give the passenger such mobility assistance as is reasonably required.

All 20 of those vehicle owners, agreed to being placed on the designated wheelchair accessible list and the list was duly placed on the Council's website.

- 3.4 However, at the Welsh Licensing Expert Panel Meeting held on 28th June 2017, it was recommended that Licensing Committees should agree to a designated wheelchair accessible vehicle be adopted by their individual Authorities, even though this was not stipulated within the changes under the Equalities Act 2010.

The reasons given were that an Authority can designated a vehicle as wheelchair accessible upon its list without the consent of the owner. The vehicle owner can then appeal to the Magistrates of the Authorities decision to be placed on the list. It is felt that if Committees have adopted this list, they can then hold a hearing if a person does not want to placed on a designated list prior to an appeal at the Magistrates Court.

Furthermore, it was noted at this meeting Section 166 of the Equalities Act 2010 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties. If no medical certificate is submitted from the Medical Practitioner stating reasons why the driver should be exempted from such duties the matter should be deferred to a hearing for a decision of exemption from such duties.

- 3.5 As such, this report requests the Licensing and Regulatory Committee to formally adopt a designated vehicle list of wheelchair accessible Hackney Carriages and Private Hire Vehicles.

4. REASONS:

- 4.1 To seek approval for the Licensing and Regulatory Committee to adopt on behalf of the Authority a designated vehicle list of wheelchair accessible Hackney Carriages and Private Hire Vehicles, as recommended by the Secretary of State.

5. RESOURCE IMPLICATIONS:

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

- 6.1 The 'Future Generations' template is attached as Appendix B. The designated list of Hackney Carriage and Private Hire Vehicles will assist it's users.

7. CONSULTEES:

None

8. BACKGROUND PAPERS:

Equalities Act 2010

Monmouthshire County Council Taxi and Private Hire Policy and Conditions 2016

9. AUTHOR:

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APPENDIX A

Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2016

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Disability Awareness

17. The council requires all operators and drivers to be compliant with the provisions of the Equalities Act 2010, which has specific sections on private hire and hackney carriages not discriminating on the grounds of disability, including the requirement to carry assistance dogs of disabled people.
18. The council supports any form of transport that provides a service for disabled persons and encourages operators and proprietors to provide a 24 hour service for disabled persons. The council strongly encourages the provision of wheelchair accessible vehicles in private hire and the hackney carriage trade.
19. Drivers and operators are expected to have knowledge in safe methods of conveying disabled persons, wheelchair bound or not.
20. The council encourages all drivers to attend training on dealing with disabled people; this does not only include people in wheelchairs but knowledge of the needs of people with a wide range of disabilities.
21. Disabilities include; limited or restricted movement, sight or hearing disabilities, learning difficulties and mental impairment. This list is not exhaustive; the provisions of the current Equalities Act will be taken into account when determining if a person is classed as disabled.
22. Drivers of wheelchair accessible vehicles are advised to attend a recognised training course to ensure that they comply with health and safety requirements for handling and securing wheelchairs.
23. The council may review the licences of any driver/operator who is found to be deficient in disability awareness following a complaint. The lack of training/knowledge on the part of the driver/operator will not be accepted as a defence to the allegation.

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APPENDIX D

HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE SPECIFICATION & CONDITIONS

Wheelchair accessible vehicles

33. Where a private hire vehicle or hackney carriage is licensed as wheelchair accessible it should only be driven by a licensed driver who has a knowledge of conveying wheelchair bound passengers. Drivers of wheelchair accessible vehicles are advised to attend a recognised training course to ensure that they comply with health and safety requirements for handling and securing wheelchairs.
34. Before any movement of the vehicle takes place the driver must ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and

the brakes of the wheelchair have been applied and the electric motor switched off. A separate, approved, occupant restraint system must also be used.

35. All drivers must ensure that:

- a) Any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with Regulations. Section 100 of the Road Vehicles Construction and Use Regulations 1986.
- b) They do not discriminate against any passenger who is disabled.
- c) If their vehicle is not wheelchair accessible and they are approached or hailed by a passenger requiring to be carried seated in a wheelchair they must either:
 - Divert the passenger to a wheelchair accessible vehicle on the rank if one is available or,
 - Where possible use their phone or radio to contact an operator of a wheelchair accessible vehicle to arrange to collect the passenger as soon as possible.

36. It is the driver's responsibility to ensure that disabled passengers are not left unattended during access or egress to or from the licensed vehicle.