

**CABINET – 21 NOVEMBER 2018****Enforcement of the Equality Act 2010 in relation to hackney carriages and private hire vehicles****Report of the Executive Director of Economy and Place****1. Purpose of the Report**

- 1.0 The purpose of this report is to request Cabinet to delegate to the Executive Director of Economy and Place the powers conferred upon the Authority by Part 12, Chapter 1 of the Equality Act 2010 (the “Act”) in relation to hackney carriages and private hire vehicles and their drivers.

**2. Description of Decision (Recommendations)**

- 2.1 To delegate to the Executive Director of Economy and Place the powers conferred upon the Authority by Part 12, Chapter 1 of the Equality Act 2010 (the “Act”) in relation to hackney carriages and private hire vehicles and their drivers including:
- (a) the maintenance of a list of accessible vehicles under section 167 of the Act;
  - (b) the issuing of exemption certificates under sections 166, 169 and 171 of the Act;
  - (c) the enforcement of the duties placed upon drivers and operators under sections 165 (duties in relation to passengers in wheelchairs), 168 (duties in respect of assistance dogs in hackney carriages) and 170 (duties in relation to assistance dogs in private hire vehicles) of the Act.
- 2.2 To recommend Council to authorise the Head of Law and Governance to amend the Constitution to reflect the delegation referred to above.

**3. Introduction/Background**

- 3.1 The Council presently licenses hackney carriages and their drivers and private hire vehicles and their drivers and operators. From time to time the Council receives complaints from disabled passengers of such vehicles who report that they have not been treated appropriately by our licensed drivers. Such matters are dealt with, where appropriate, by referral to the Council’s Regulatory Committee who may suspend or revoke a driver’s licence where they consider it necessary to do so.
- 3.2 The Equality Act 2010 provides a series of laws relating to the needs of disabled people. The relevant laws are being commenced in their effect over time. Part 12, Chapter 1 of the Act relates to the transport of disabled people in hackney carriages and private hire vehicles. Recently, parts of this chapter of the Act have been commenced so providing new powers to licensing authorities with the aim of ensuring that disabled people may access these methods of transport.
- 3.3 It is now considered appropriate to supplement our present method of requiring licensed drivers to treat disabled passengers appropriately with the powers available to us via the Act.

## **4. Current Position**

- 4.1 The Act makes various provisions in relation to hackney carriages, private hire vehicles and their drivers. In particular, it empowers local authorities to maintain a list of hackney carriages and private hire vehicles which conform to such accessibility requirements as the local authority thinks fit. These are requirements for securing that it is possible for disabled passengers in wheelchairs to get in and out of vehicles in safety and travel in vehicles in safety and reasonable comfort. In maintaining a list, the local authority must have regard to any guidance issued by the Secretary of State.
- 4.2 The drivers of such designated vehicles then have duties imposed upon them by the Act, e.g. to carry wheelchair users at no extra charge and to provide assistance in enabling such passengers to access the vehicle. Failure to comply with such duties in certain circumstances constitutes an offence in respect of which a local authority may bring a prosecution and which carries a maximum penalty of a fine of £1,000.
- 4.3 The local authority may exempt a driver of a wheelchair accessible vehicle from these duties on medical grounds or due to that driver's physical condition.
- 4.4 The Act also requires licensed drivers and operators to allow disabled people to travel with their assistance dogs and allows the licensing authority to bring a prosecution where there is a failure to do so. Conviction of such an offence again carries a maximum penalty of a fine of up to £1,000.
- 4.5 The local authority may exempt a driver on medical grounds, but only after having particular regard to the physical characteristics of the vehicle the person drives, or any vehicle in respect of which the exemption certificate is required..
- 4.6 A person aggrieved by a refusal of an exemption or the inclusion of a vehicle in the list of designated vehicles may appeal against the decision to the Magistrates' Court.

## **5. Reasons for the Decision**

- 5.1 To enable the Council to better facilitate the use of hackney carriages and private hire vehicles by disabled people.

## **6. Alternative Options**

- 6.1 Use of these powers will better enable the Council to assist the travelling public and so no alternative options are suggested.

## **7. Impact Analysis**

- (a) **Equalities** – These proposals will advance equality of opportunity between people who share a protected characteristic, i.e. disability, and those who do not.

- (b) **Reduction of Crime and Disorder – Community Cohesion / Social Inclusion** – Breaches of the Act may, as described above, constitute the commission of criminal offences and so enforcing the Act will assist the Council in seeking to reduce crime.

## **8. Other Relevant Considerations / Consultations**

- (a) **Financial Implications** – There are no additional financial implications arising as a result of this report.
- (b) **Legal Implications** – The Head of Law and Governance advises that these proposals are lawful and appropriate.

## **9. Glossary**

9.1 None.

## **10. List of Appendices**

10.1 None.

## **11. Background Papers**

11.1 None.

