

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

meeting date: TUESDAY, 1 NOVEMBER 2022
title: TAXIS AND PRIVATE HIRE VEHICLES (DISABLED PERSONS) ACT 2022
submitted by: CHIEF EXECUTIVE
principal author: MAIR HILL, HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

1.1 To seek Committee's approval of amendments to taxi policies and procedures as a consequence of the provisions of the Taxi and Private Hire vehicles (Disabled Persons) Act 2022 ("Act").

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Corporate Priorities -
- Other Considerations -

2 BACKGROUND

2.1 The Act came into force on 28 June 2022. The Act is intended to ensure disabled people receive help and can travel with dignity and confidence and are protected against extra charges and fares.

2.2 The Act makes amendments to the Equality Act 2010 to include additional provision for the carrying of disabled persons by taxis and private hire vehicles. The government has also issued statutory and non-statutory guidance on the implementation of these duties. Details of the main provisions are set out below.

3 ISSUES

3.1 Section 164A sets out the duties of drivers of both hackney carriage and private hire drivers which have been hired by a disabled person or by another person who wishes to be accompanied by a disabled person. (save where the vehicle is designated as wheelchair accessible which is dealt with under Section 165 and is explained further below. The duties of the driver are:

- a. To carry the passenger
- b. If the passenger is in or has with them a wheelchair, to carry the wheelchair
- c. If the passenger has with them any mobility aids, to carry the mobility aids
- d. To take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort
- e. To give the passenger such mobility assistance as is reasonably required
- f. Not to make or propose to make any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

Mobility assistance in this respect does not include a wheelchair or assistance dog (which is already dealt with under the Equality Act 2010)

It is an offence for a driver to fail to comply with this duty and person found guilty would be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000).

3.2 Section 165A include provision for assistance to identify and find a vehicle. It imposes duties on the driver of a private hire vehicle or pre-booked taxi where it has been booked by a disabled person or by another person who wishes to be accompanied by a disabled person. Th driver's duties are:

- a) To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- b) Not to make, or to propose to make, any additional charge for complying with the duty mentioned in paragraph (a).

It is an offence for a driver to fail to comply with this duty and person found guilty would be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000).

3.3 Section 166 of the Equality Act 2010 contains provision relating to exemption certificates for driver's relating to their duties relating to passengers in wheelchairs. This has been amended so that it covers Disabled Passengers. Committee previously delegated authority to the Head of Legal and Democratic Services to establish provision to deal with such applications and so amendments will be made to that to include the changes made and based on the Government statutory and non-statutory guidance.

3.4 Section 167 of the Equality Act 2010 contains provision relating to Local Authorities holding and publishing lists of wheelchair accessible vehicles. It was previously discretionary; however, the Act makes this mandatory. This Council resolved in April 2017 to exercise its discretionary power to maintain and publish such a list and so no action will be required in this respect.

3.5 Section 167A of the Equality Act 2010 provides that the operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle if the booking is requested by or on behalf of a disabled person or for a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is –

- (i) That the passenger has a disability, or
- (ii) To prevent the driver of the private hire vehicle being made subject to a duty which would otherwise be imposed on the driver by section 164A, 165 or 165A.

A person guilty of an offence under this section would be liable on summary conviction for a fine not exceeding level 3 (currently £1,000). It would, however, be a defence to this if the operator was able to show that it was reasonable not to have accepted the booking due to a lack of suitable vehicles.

3.6 These issues were raised with licenced drivers and vehicles at the Annual Taxi meeting in September. The Council has written to all vehicle and operator licence holders to inform them of these additional duties and remind them of their existing duties. A press release will also be sent out which will highlight to the public their rights in this respect and where to access the list of disabled accessible vehicles.

3.7 To ensure that drivers have sufficient knowledge and training to enable them to carry out their duties fully, it is proposed that training be a requirement for all licence holders

upon renewal of a licence and for all new licence holders. It is proposed that this training be provided by the Blue Lamp Trust. The training is online and has a cost £40. Details of the training can be viewed at the link below:

<https://www.bluelamptrust.org.uk/disability-classroom-course/>

3.7 As a result of these changes to legislation it is also necessary to amend the relevant sections within the Council's conditions of licence for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators, Infringement Points Scheme and Private Hire and Hackney Carriage Licence Policy. These amendments have been made in track changes and are enclosed at Appendices 1 to 6.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources }
 - Technical, Environmental and Legal }
 - Political }
 - Reputation }
 - Equality & Diversity }
- The Council has a duty to ensure compliance with the Equality Act 2010. Implementing these measures will ensure such compliance and enhance the service which its licenced drivers and vehicles provide to the public.

5 RECOMMENDED THAT COMMITTEE

5.1 Approve and authorise the Head of Legal and Democratic Services to consult upon the proposed amendments to:

- Conditions of licence for Private Hire Operators as at Appendix 1
- Conditions of licence for Private Hire Driver's as at Appendix 2
- Conditions of licence for Hackney Carriage Driver's as at Appendix 3
- Private Hire Infringement Scheme as at Appendix 4
- Hackney Carriage Infringement Scheme as at Appendix 5
- Private Hire and Hackney Carriage Licence Policy as at Appendix 6

5.2 Approve and authorise the Head of Legal and Democratic Services to consult upon the introduction of training on the Equality duties to the requirement for a private hire and hackney carriage driver licence. Such training to be provided by the Blue Lamp Trust.

MAIR HILL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Mair Hill, extension 4418.

MJH/Licensing/1/11/22