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**Meeting:** Regulation Committee

**Date:** 17 November 2010

**Subject:** Equalities Act 2010

**Report of:** Gary Alderson - Director of Sustainable Communities

**Summary:** This report seeks a decision on whether Members wish to carry out a consultation in order to ascertain how the authority can meet the needs of a broad range of disabled people using hackney carriages, not just wheelchair users.

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Contact Officer: Margaret James, Licensing and Enforcement Officer.

Public/Exempt: Public

Wards Affected: All

Function of: Council

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

Supporting and Caring for an ageing population – provision of safe public transport supports independent living.

### **Financial:**

Fees are payable for hackney carriage and private hire licences. The fees being charged represent the cost of the Council producing the licence.

### **Legal:**

Local Government (Miscellaneous Provisions) Act 1976.

Town Police Clauses Act 1847.

Equalities Act 2010 – Taxis and Private Hire Vehicles.

### **Risk Management:**

Ensuring that hackney carriage and private hire vehicles operating in Central Bedfordshire are safe and properly regulated.

### **Staffing (including Trades Unions):**

There are no staffing implications.

**Equalities/Human Rights:**

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. In order to ensure the personal safety of all vulnerable groups wishing to use licensed vehicles, conditions attached to licences ensure that this duty is met.

**Community Safety:**

Contributes to a safer public transport system and a safer night time economy. The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The provision of sufficient numbers of taxis is a key component of reducing crime and disorder problems linked to the night time economy and licensed premises. In addition, it is essential to ensure that the public, and particularly more vulnerable members of the community, are not left without safe transport options which may lead them to take decisions which put their safety at risk.

**Sustainability:**

By regulating this service area we can ensure that those businesses that are compliant can be supported and resources can be focused at those business that will not comply.

**RECOMMENDATION**

**that a 12 week consultation be carried out to seek views on how to meet the needs of a broad range of people using hackney carriages, not just wheelchair users.**

**that the following groups be consulted:**

- (a) Members of the Hackney Carriage and Private Hire trade;**
- (b) Groups Serving the disabled in Central Bedfordshire;**
- (c) Members of the travelling public.**

**Background**

1. The Council is the Licensing Authority for hackney carriage and private hire drivers, vehicles and operators and is responsible for providing a licensed service to the community that is safe and accessible.
2. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.
3. Before a local authority can make a decision on policies and conditions affecting the hackney carriage and private hire trade, they must consider the views of all interested parties.

4. Under the Disability Discrimination Act, it is unlawful for taxi drivers to discriminate against disabled people and they have an obligation to provide a proper service.
5. Disabled people can take civil action under the Disability Discrimination Act against taxi drivers who discriminate against them.
6. In 2003, the Department for Transport announced an intention to set standards for wheelchair accessible taxis and to introduce regulations applying to local authorities that would include the possibility of criminal proceedings against licensed drivers who discriminate. The Department anticipated publishing a consultation on the issue of accessible taxis in 2008 but urged local Authorities who wished to adopt local accessibility policies for taxis not to hold back on any local initiative in anticipation of national regulations straight away.
7. At that time, both the former South Bedfordshire District Council and the former Mid Bedfordshire District Council, followed the Department for Transport's advice and adopted wheelchair accessible policies in order to improve the availability of taxis for disabled people in their areas. This policy was carried forward and included as a hackney carriage policy for Central Bedfordshire.
8. The conditions attached to hackney carriages for Central Bedfordshire Council, therefore, include a wheelchair accessible policy. Our conditions state that the vehicle must be wheelchair accessible and conform to various licence conditions. Our conditions also state that, hackney carriage vehicles currently licensed that are not wheelchair accessible, are permitted to be re-licensed up to a maximum of 10 years from the original date of vehicle registration provided they pass the mechanical inspection. Any replacement vehicle will be required to meet all our wheelchair requirements.
9. When the wheelchair policy was adopted by Central Bedfordshire in January 2010, Members were asked to note that many of the trade were unhappy because they felt that only a proportion of the hackney carriage fleet should be wheelchair accessible. Officers informed Members that, if they wished to change the policy, it would first be necessary for a full consultation to be carried out. Members were also asked to note that the Department for Transport were carrying out a consultation on how best to meet the needs of a broad range of disabled people, not just wheelchair users. Members were informed that they would be advised of any conclusions and recommendations made by the Government on the matter and, when received, the trade could be consulted on any government recommendations.
10. The government has now made new regulations for taxis and private hire vehicles. The Equalities Act 2010 appears to have overtaken the government consultation. It only refers to wheelchair accessible vehicles rather than specifying a broader range of vehicles although further recommendations could be received at a future date.

## **Equalities Act 2010 – Taxis and Private Hire Vehicles**

11. The Equalities Act 2010 brings together a number of different pieces of legislation about discrimination – including disability discrimination. The Act contains new provisions which will, when commenced, tighten the law by placing duties on taxi and private hire drivers to provide assistance to people in wheelchairs. Before these provisions come into force, provision will be made for those drivers who themselves suffer from a condition which makes it difficult to provide assistance, to apply for an exemption from these duties. Drivers will be able to apply for these exemptions from October 2010.

Our current conditions already require drivers of wheelchair accessible vehicles to assist in the loading and unloading of wheelchairs and their passengers and also in relation to their wheelchair use. However, our conditions do not currently specify that drivers who themselves suffer from a condition which makes it difficult to provide assistance, may claim exemption from this obligation.

The hackney carriage and private hire trade will, of course, be informed of this legislation and the conditions attached to their licences updated.

12. Also from October 2010, the sections of the Equality Act 2010 which oblige taxi and private hire drivers to carry guide dogs will be commenced. This obligation is already prescribed in the Disability Discrimination Act 1995. Our current conditions already specify that drivers have a duty to carry an assistance dog and may claim exemption from this obligation on medical grounds. Taxi and private hire drivers who are already exempt from the duty to carry guide dogs can continue to rely on their certificate of exemption, so in practice there will be no change for drivers.

### **Conclusion and Next Steps**

13. It was anticipated that local authorities would be advised of any conclusions made on the provision of licensed vehicles to meet a broad range of disabled passengers when the Government had concluded its consultation into the needs of the disabled traveller.
14. In the absence of any Government recommendations, and in view of the fact that the trade were informed that they would be consulted on the matter as soon as possible, officers would recommend that a 12 week consultation be carried out now.

#### **Appendices:**

None

#### **Background Papers:**

None

#### **Location of papers:**

The Council Offices, Dunstable