

Chichester District Council
General Licensing Committee
14 June 2017

Equality Act 2010 – Designation of ‘Wheelchair Accessible Vehicles’ and clarification regarding the carrying of assistance dogs

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2. Executive Summary

To seek the approval of Member’s to amend the current policy to acknowledge the requirements of the Equality Act 2010.
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3. Recommendations

- 3.1 That Members approve changes to the existing policy regarding duties to carry wheelchair users and establishing a list of designated ‘Wheelchair Accessible Vehicles’.**
- 3.2 That Members approve changes to the existing policy regarding the carrying of assistance dogs.**

4. Duty to carry wheelchair users

- 4.1 Sections 165 and 167 of the Equality Act 2010 (The ‘Act’) came into force on the 6th April 2017. Section 167 of the Act provides Council’s with the power to make lists of wheelchair accessible vehicle (i.e. ‘WAVs’ or ‘designated vehicles’) and section 165 of the Act then requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits from charging extra.
- 4.2 The requirements of Section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act, which is already in force. This allows Councils to exempt drivers from the duties under Section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.

- 4.3 In light of the above changes, it is proposed to add an additional section to the Council's policy. The proposed wording is attached at **Appendix 1**. This outlines the legal requirements as well as the process to be followed in the event that a driver wishes to claim a medical exemption.
- 4.4 A list of designated vehicles has been compiled, which features at **Appendix 2**. This outlines the make and model of the vehicle. It also specifies whether the vehicle is a taxi or private hire vehicle and states the name of the operator. There is a guidance note at the beginning of the report advising that all the vehicles listed can transport a 'reference' wheelchair. However, if the wheelchair is larger, then a member of the public may wish to speak directly to an operator to ascertain whether they have a licensed vehicle that would satisfy their requirements. There are a handful of operators who have larger licensed vehicles with tail lifts, which may be better suited to carrying larger, heavier wheelchairs.
- 4.5 The list will be published on the Council's website and updated on a regular basis to ensure that it accurately reflects those vehicles that are licensed by the Council to carry wheelchair users.
- 4.6 Any proprietor whose vehicle(s) is listed will receive the letter attached at **Appendix 3**, notifying them of the designation and what to do if they wish to seek the medical exemption.
- 4.7 An application form to apply for the exemption has been devised along with the Certificate of Exemption and the Notice of Exemption to be displayed in the vehicle. These documents are attached at **Appendix 4 – Appendix 6**.
5. **Duty to carry assistance dogs**
- 5.1 Sections 168 to 171 of the Equality Act 2010 (The 'Act') deal with the carriage of guide dogs and other assistance dogs in England and Wales and came into force on the 1st October 2010. Prior to 2010 similar provisions had been contained in the Disability and Discrimination Act 1995.
- 5.2 The Act requires drivers to carry guide dogs (and other assistance dogs) at no extra cost. Furthermore, the driver or operator must not treat the guide dog owner less favourably because of their impairment.
- 5.3 The Act does permit for a driver to be exempt from this requirement, only if they have a genuine medical condition. Under such circumstances the Council may exempt the driver from the requirement to carry guide dogs and other assistance dogs.
- 5.4 The Council's policy does not currently refer to this matter and it is felt appropriate at this juncture to update the policy accordingly to provide clarity for both the trade and the Council alike as to what the legal requirements are, as well as, outlining the exemption process. The proposed wording to be added to the policy features at **Appendix 7**.
- 5.5 The form to apply for a medical exemption has been devised and the Certificate of Exemption and Notice of Exemption can be created as required.

5.6 If the proposed wording is approved then an update will be sent to the hackney carriage and private hire community to remind them of their rights and obligations.

6. Conclusion

6.1 By publishing the designated list of 'WAVs' (wheelchair accessible vehicles), notifying the relevant proprietors of their rights and obligations and also updating policy, this will enable the Council to enforce the new duties under the Act placed on drivers to carry wheelchair users, should the need arise.

6.2 It is also felt appropriate to update the Council's policy to clarify the requirements placed on drivers to carry assistance dogs.

6.3 If Members are minded to approve the proposed policy wording set out at **Appendix 1** and **Appendix 5** then the sections will be added to the Council's Driver and Vehicle General Policy.

7. Background Papers

7.1 Department for Transport – Access for wheelchair users to Taxis and Private Hire Vehicles - Statutory Guidance (Feb 2017)
<https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles>

8. Appendices

Appendix 1 Proposed policy wording for duties to carry wheelchair users

Appendix 2 List of designated 'Wheelchair Accessible Vehicles'

Appendix 3 Notification letter for drivers

Appendix 4 Application form to apply for medical exemption

Appendix 5 Certificate of Exemption

Appendix 6 Notice of Exemption (Front & Rear)

Appendix 7 Proposed policy wording for carrying assistance dogs