

EAST RENFREWSHIRE COUNCILLICENSING COMMITTEE23 JANUARY 2018Report by Chief Officer (Legal & Procurement)EQUALITY ACT 2010 - TAXI AND PRIVATE HIRE CAR LICENCES**PURPOSE OF REPORT**

1. For the committee to decide if it wishes to maintain a list of wheelchair accessible vehicles on the Council website in terms of Section 167 of the Equality Act 2010 and to delegate powers to officers to deal with requests for exemption certificates.

**RECOMMENDATIONS**

2. It is recommended that the Licensing Committee considers the terms of this report and makes a decision on maintaining a list of vehicles and if so to authorise the Chief Officer (Legal & Procurement) to produce and maintain an up-to-date list and to delegate power to that officer or the Principal Solicitor to determine exemption certificates under section 166 and 169 of the Act. If the committee decides not to maintain a list then it is requested that delegated powers are granted to deal with Section 169 exemption certificates only.

**FINANCIAL IMPLICATIONS**

3. There are no direct financial implications for the Council.

**BACKGROUND**

4. In terms of Section 167 of the Equality Act 2010 ("The Act") the licensing authority can decide whether or not it wishes to maintain a list of wheelchair accessible vehicles which would be available to members of the public.

5. The accessibility requirements are that it is possible for disabled persons in wheelchairs (a) to get into and out of vehicles in safety and (b) to travel in vehicles in safety and reasonable comfort, either staying in their wheelchairs or not (depending on which they prefer).

6. The publication of the list is supported by East Renfrewshire Disabled Action (ERDA). There has been criticism in the past that wheelchair users have not requested taxis or private hire vehicles because they did not know that such vehicles were available in East Renfrewshire. The list will provide details of the vehicles and how to hire them.

7. However, the publication of the list does leave the door open for drivers to apply for an exemption. For example, a driver who is able to prove that they have a medical condition which would prevent them loading and unloading a wheelchair passenger could obtain an exemption which could, ultimately, lead to the loss of a wheelchair accessible vehicle. By a quirk of the legislation, exemption certificates are not available unless the list is published. This downside may not be sufficient to negate the benefit to members of the public in being able to find the vehicles of their choice in one public location on the Council website.

8. Under section 168 of the Act, duties are imposed on drivers to carry a disabled person's assistance dog, such as a guide dog for the blind, and make no additional charge for doing so. Section 169 of the Act provides for an exemption certificate where the local authority is satisfied that it is appropriate on medical grounds. Delegated powers are requested in order to determine such requests.

## **RECOMMENDATION**

9. It is recommended that the Licensing Committee considers the terms of this report and makes a decision on maintaining a list of vehicles and if so to authorise the Chief Officer (Legal & Procurement) to produce and maintain an up-to-date list and to delegate power to that officer or the Principal Solicitor to determine exemption certificates under sections 166 and 169 of the Act. If the committee decides not to maintain a list then it is requested that delegated powers are granted to deal with Section 169 exemption certificates only.

## **REPORT AUTHOR**

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## **KEY WORDS**

Equality Act 2010, wheelchair accessible vehicles, list, assistance dogs.