

MINUTES OF LICENSING AND SAFETY COMMITTEE

4 JULY 2017

PRESENT:

Councillors Cade (Chairman), Allen, Mrs Avis, Brader, Mrs Bragg, Miss Dumbleton, Lowe and Ms Watson-Merret

4. MINUTES

The minutes of the meetings held on 11 May and 18 May 2017 were approved and signed by the Chairman.

5. APOLOGIES

Apologies for absence from the meeting were received from Councillors Mrs Nash and Mrs Roodhouse.

6. DECLARATIONS OF INTEREST

There were none.

7. IMPLEMENTATION OF THE EQUALITY ACT 2010

The Committee considered the report of the Head of Environment and Public Realm (Part 1 - agenda item 4) concerning an update on the implementation of sections 165 and 167 of the Equality Act 2010.

Sections 165 and 167 of the Equality Act 2010 came into force on 6 April 2017. Section 167 of the Act provided local authorities with the powers to establish and maintain a list of wheelchair accessible vehicles. Section 165 of the Act required drivers, unless they have a valid medical exemption issued by the Council, of wheelchair accessible vehicles to transport wheelchair users, provide passengers in wheelchairs with appropriate assistance and ensure they are charged the same fares as non-wheelchair users.

The Principal Licensing Officer reported that there was no legal obligation for the council to establish a list of designated licensed vehicles but officers considered it best safeguarding practise and was in the interest of the public to protect wheelchair users against discrimination.

The Committee considered the sample designated licensed vehicles list, attached at appendix 3 to the report, which highlighted the level of detail suggested for inclusion on the list. It was noted that the council already had a list of approved types of wheelchair accessible vehicles that may be licensed as hackney carriages in the Borough, but this only included suggested vehicle makes and models.

An image of a 'reference' wheelchair was attached at appendix 2 to the report. It was acknowledged that there were a variety of sizes, shapes and designs of wheelchairs and this was the minimum standard wheelchair that the Act applied to.

The Act sets out a number of duties to be placed on drivers of wheelchair accessible vehicles.

The intention was to list all designated vehicles licensed in the Borough, unless drivers had a genuine medical condition, disability or physical condition that exempted them from their statutory duties.

The Act made provision for the council to grant exemptions upon production of satisfactory medical evidence and the driver would be issued with an exemption certificate to display in their vehicle.

A separate register of drivers with exemption certificates would be created and maintained.

It was acknowledged that both the designated licensed vehicles list and the list of exempt drivers would be updated at the time any changes took place.

Discussions were due to be held with representatives of the taxi trade and also Rugby Disability Forum. All licensed drivers would be contacted in writing and informed of the implications of the Act and outlining of the process for obtaining a medical exemption certificate.

The Statutory Guidance produced by the Department of Transport contains an expectation that local authorities will take action and use their powers to ensure drivers are held accountable.

The Regulatory Services Manager commented that the legislation was a useful tool but the current licensing conditions already set high standards. However, the powers provided by the legislation governing hackney carriage licensing, the Town Police Clauses Act 1847, is limited in places and does not allow for the stopping of vehicles and did not extend to taxis registered outside the Borough. Drivers not adhering to the legislation or licensing conditions would be dealt with on an individual case basis and matters of non-compliance or breaching of duties would be taken seriously.

RESOLVED THAT – IT BE RECOMMENDED TO CABINET THAT -

- (1) the Committee approves the establishment of a list of designated wheelchair accessible licensed vehicles;
- (2) authority be delegated to the Head of Environment and Public Realm to approve any further vehicles to be added to the list of designated licensed vehicles and to determine applications from drivers for a medical exemption from their duties; and
- (3) IT BE RECOMMENDED TO COUNCIL THAT – the Constitution be amended accordingly.

CHAIRMAN