

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Licensing and Public Protection Committee
28 June 2022

Report Title: Update on Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

Submitted by: Head of Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

The update Members on a new piece of legislation that affects taxi licensing authorities

Recommendation

That Members note the contents of the report

Reasons

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 has recently received Royal Assent and will affect all licensing authorities within in England.

1. **Background**

- 1.1 The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 (“the Act”) received Royal Assent on 28th April 2022. It was introduced as a Private Members Bill by Jeremy Wright MP.
- 1.2 The Act aims to reduce discrimination against and open opportunity for disabled people, by addressing the barriers they face in accessing taxi/Private Hire Vehicle (PHV) services, preventing overcharging and ensuring disabled people are given appropriate assistance when travelling by taxi or PHV.
- 1.3 To achieve this it will amend and update sections of the Equality Act 2010 (“EA10”) that relate to the carriage of disabled persons and expand the current protections afforded to wheelchair and assistance dog users to all disabled people.

2. **Issues**

2.1 The Act comes into force on 28th June 2022. It amends the EA10 in five ways:

- s164A and s165A are inserted into EA10 extends the responsibilities and duties already conferred upon taxi drivers;
- s166 is amended to reduce the duties that taxi drivers can be exempted from under a medical exemption;
- s167 is amended to mandate that all licensing authorities maintain and publish a list of ‘designated vehicles’;

- s167A is inserted into EA10 creating offences for private hire operators in relation to bookings for disabled persons; and
- Minor and consequential amendments are made to various sections within EA10.

2.2 Section 164A places duties upon a driver who has been hired to transport a disabled person who is able and wants to travel in a non-wheelchair accessible vehicle, to: carry the passenger and enable them to get in and/or out of the vehicle; load the passenger's luggage, wheelchair or mobility aids into and/or out of the vehicle; and take steps to ensure the disabled passenger feels comfortable and safe while travelling. The driver must not charge any extra for fulfilling these duties.

2.3 Section 165A places a duty on a driver to assist a disabled person identify the vehicle they have hired. There is a condition that the driver has been made aware in advance that the customer will require this assistance.

2.4 Section 166 amends the operations of medical exemption certificates. Currently drivers can be granted a medical exemption certificate by the licensing authority which exempts them from the duties under s165 which relate to assisting passengers in wheelchairs. s166 provides that drivers can now only be exempted from providing '*mobility assistance*' as is reasonably required, but no longer refuse to undertake the booking or charge more for taking them. This extends the duties to all disabled persons not just those in a wheelchair. Mobility assistance means assistance:

- To enable the passenger to get into or out of the vehicle;
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle.

2.5 Section 167 amends the existing provisions about licensing authorities maintaining and publishing a list of '*designated vehicles*'. Previously licensing authorities could do this, the amended provision mandates that all authorities must do this. Designated vehicles are licensed taxi or private hire vehicles that "*conforms to such accessibility requirements as the licensing authority thinks fit.*" Accessibility requirements are "*requirements for securing that it is possible for disabled persons in wheelchairs –*

- *to get into and out of vehicles in safety, and*
- *to travel in vehicles in safety and reasonable comfort either staying in their wheelchairs or not (depending on which they prefer).*"

2.6 Section 167A creates two offences for private hire operators. Firstly that it is an offence if the fail or refuse to accept a booking for a disabled person if the reason for failing/refusing is that the passenger is disabled, or to avoid the driver having to comply with a statutory duty. Secondly that if they make, or propose to make, an additional charge for carrying out a statutory duty they will commit an offence.

2.7 The minor and consequential amendments include extending the current provisions around not making, or proposing to make, additional charges for certain duties and changing to wording and numbering within the EA10.

3. **Proposal**

3.1 That Members note the contents of the report

4. **Reasons for Proposed Solution**

4.1 Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 has recently received Royal Assent and will affect all licensing authorities within in England. It will be mandatory that the Council comply with the provisions within the Act.

5. **Options Considered**

5.1 No alternative options have been considered

6. **Legal and Statutory Implications**

6.1 The Act places a number of statutory duties upon the Council. The Council must comply with these.

7. **Equality Impact Assessment**

7.1 N/A

8. **Financial and Resource Implications**

8.1 Financial and Resource Implications should be limited however the creation, publication and maintenance of the designated vehicle list will require ongoing staff resource. Any complaints and/or enforcement action that come about due to the new provisions will also need to be adequately resourced. It is anticipated that these resources will be met by the existing staffing structure and will form part of the normal duties of officers.

9. **Major Risks**

9.1 There are no major risks anticipated as the Act will mandate provisions that improve Council powers in dealing with matters of discrimination and increase the duties placed upon drivers and operators to assist disabled persons.

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 [Public Protection Committee – 19th September 2017 – The Committee agreed that The Council should publish and maintain a list of designated vehicles under s167 Equality Act 2010.](#)

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 [Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022](#)

14.2 [Equality Act 2010](#)