

**Report of the Service Director to the
General Licensing Regulatory Board
to be held on the 26 October 2022**

**The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022
amendment to the Taxi and Private Hire Policy 2022**

1. Purpose of Report

The purpose of this report is to inform Members of the new Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, which came into force on 28 June 2022, and seek approval to amend the Taxi and Private Hire Policy 2022 to include the new legislation.

2. Background

Members are reminded that our new Taxi and Private Hire Licensing policy which brought together all our procedures on taxi and private hire vehicle licensing was implemented in March 2022.

Members will also be aware of the new Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, which came into force on 28 June 2022.

The 2022 Act amends the Equality Act 2010 to place duties on the local authority, taxi and private hire drivers and operators. The changes will help to make sure disabled passengers can use taxi and PHV services without being discriminated against and that they receive appropriate assistance, wherever they travel, without being charged extra.

3. Current Position

The information below sets out the requirements the Local Authority, drivers and operators MUST now adhere to when dealing with disabled service users:-

The Licensing authorities must maintain and publish a list of licenced taxis and private hire vehicles that are designated as being wheelchair accessible. The list will be available on our website and will identify the vehicles whose drivers are subject to the duties under the new legislation and required to provide assistance to wheelchair users and refrain from charging extra for this.

Vehicles placed on the list will be capable of carrying wheelchair users either in their wheelchair or in a passenger seat (depending on which the wheelchair user prefers), including allowing passengers to:

- get into and out of the vehicle in safety
- travel in the vehicle in safety and reasonable comfort

Duties of drivers of non-designated wheelchair accessible vehicles. (Hackney and Private Hire)

Drivers MUST:

- Carry the passenger
- Carry their wheelchair (e.g. in the boot of the vehicle)
- Carry their mobility aids
- Take reasonable steps to carry the passenger in safety and reasonable comfort
- Provide reasonable mobility assistance
- Not make, or propose to make, any charge for carrying out the above duties

Drivers of designated vehicles (WAV's) included on the wheelchair accessible list

- To carry a wheelchair user without charging extra
- Any non-exempt driver to provide reasonable assistance to any wheelchair user

Prebooked taxi's for any disabled passenger including wheelchair users the driver MUST

- Take such steps as reasonable to assist the passenger to identify and find the vehicle which has been hired
- Not to make, or propose to make, any charge for carrying out the above duties

The Act places offences on PHV operators who refuse or fail to provide a booking for a disabled person either

- Because the person is disabled
- Or they prevent a driver from being made subject to a duty which would otherwise be imposed on the driver

Disabled passengers with an assistance dog, the driver MUST

- Carry the disabled persons dog and allow it to remain with that person
- Not make, or propose to make, any charge for carrying out the above duties

Medical Exemption

- All taxi and private hire drivers may apply to the Licensing Section for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties under the new legislation.
- Exemption notices, when displayed correctly, will exempt a driver only from the mobility assistance duties - meaning, for example, that a driver's medical condition cannot be used as a justification for charging a disabled person more than a non-disabled person.

In addition to the above it is also recommended that the driver or operator asks every passenger whether they require assistance. For hired vehicles, this should be at the booking stage. For taxis, this should be when the vehicle is hailed or approached at the taxi rank or on the street.

Any driver found not be adhering to the above legislation may face prosecution and/or be referred to the General licensing sub-committee for determination.

The primary and overriding objective of the taxi and private hire vehicle policy must be to protect the public by ensuring that the licensing regime protects the vulnerable.

4. Proposal

To include the requirements of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 at Appendix O in the current Taxi and Private Hire Policy 2022.

5. Recommendation

That members approve the inclusion of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 to the current Taxi and Private Hire Policy 2022.

6. Officer Contact

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