

(b) EQUALITY ACT 2010 – TAXI PROVISIONS (AN56-2018)

Reference is made to Item 3 (b) on the agenda of the meeting of this Committee on 28th June, 2018. In terms of Section 165 of the Equality Act 2010 (“the 2010 Act”), drivers of designated wheelchair accessible vehicles (‘WAV’s) are subject to certain legal duties to offer assistance to passengers as follows-

- To carry the passenger in the wheelchair;
- Not to make any additional charge for doing so;
- To carry the wheelchair if the passenger wishes to sit in the vehicle;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required.

It is a criminal offence to fail to comply with these duties. However, the duties only apply where the vehicle is designated by the licensing authority for this purpose under Section 167 of the 2010 Act. In the meantime, even although the Council has not formally designated any vehicles for the purposes of Section 167, drivers can apply under Section 166 of the 2010 Act for a medical exemption from these duties and a proposed style of form for this (a copy of which is attached at **Appendix 3**) was submitted for the Committee’s approval. Applications for exemption would require to be determined by the Committee. It was also proposed that a fee of £50 be charged for such applications. However, a deputation was received from the GMB Union objecting to the payment of a fee and the Committee decided to defer a decision on this matter to allow for consultation with the Taxi Liaison Group.

At a meeting of the Taxi Liaison Group on 21st August 2018, there was agreement amongst the trade representatives to accept the introduction of the £50 fee for medical exemption certificate applications. It is therefore recommended that the Committee (i) approves the style form; (ii) agrees the fee of £50 for applications; (iii) notes that it will be for the applicant for a certificate to provide the appropriate medical evidence to support the application and (iv) further notes that the adoption of a list of designated vehicles under Section 167 of the 2010 Act will be the subject of further discussion with the trade once the newly constituted Taxi Liaison Group is established.