

Agenda

Environment and Licensing Committee

Date: **Tuesday 9 January 2024**

Time: **4.15 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Environment and Licensing Committee

Membership

Chair Councillor Alison Hunt

Vice-Chair Councillor Marje Paling

Councillor Boyd Elliott
Councillor Rachael Ellis
Councillor Des Gibbons
Councillor Julie Najuk
Councillor Sue Pickering
Councillor Alex Scroggie
Councillor Martin Smith
Councillor Clive Towsey-Hinton
Councillor Paul Wilkinson

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Responsibility of Committee:

- 1) All non-executive functions of the Council with regard to:
 - a) Environmental health
 - b) Health and safety at work (other than the exercise of the functions of the Council in the capacity of employer)
 - c) Food hygiene and safety
 - d) Animal health and hygiene
- 2) The determination of applications for licences, approvals, consents, permission or registration or direct regulation of any person or the enforcement of any such licence, approval, consent, permission or regulation with regard to the functions in relation to contaminated land, control of pollution, air quality and noise and statutory nuisance listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

- a) All non-executive functions of the Council with regard to licensing and registration of:
 - 1) Caravan sites
 - 2) Hackney Carriages and Private Hire Vehicles, drivers and operators
 - 3) Entertainments
 - 4) Betting, gaming and lotteries
 - 5) Theatres and cinemas
 - 6) Street trading and markets
 - 7) All other licensing functions listed in Part B of Schedule 1 to the Regulations other than those relating to streets and highways.
- b) Any function relating to contaminated land
- c) The discharge of any function relating to the control of pollution or the management of air quality.
- d) The service of an abatement notice in respect of a statutory nuisance
- e) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
- f) The inspection of the authority's area to detect any statutory nuisance
- g) The investigation of any complaint as to the existence of a statutory nuisance.

1. Power to issue licences authorising the use of land as a caravan site.
2. Power to license the use of movable dwellings and camping sites.
3. Power to license Hackney Carriages and Private Hire Vehicles.
4. Power to license drivers of Hackney Carriages and Private Hire Vehicles.
5. Power to grant permits in respect of premises with amusement machines.
6. Power to register societies wishing to promote lotteries.
7. To consider applications for hazardous substances consent.
8. Power to grant permits in respect of premises where amusements with prizes are provided.
9. Power to consider and determine applications for public entertainment licences.
10. Power to license sex shops and sex cinemas.
11. Power to license performances of hypnotism.
12. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.
13. Power to license markets and street trading.
14. Power to license night cafes and take away food shops.
15. Power to license dealers in game and the killing and seeking of game.
16. Power to register and license premises for the preparation of food.
17. Power to license scraps yards.
18. Power to license premises for the breeding of dogs.
19. Power to license pet shops and other establishments where animals are kept or bred for the purposes of carrying on a business.
20. Power to license dangerous wild animals.
21. Power to license knackers' yards.
22. Power to license persons to collect for charitable and other causes.
23. Power to approve meat product premises and to approve premises for the production of minced meat or meat preparations.
24. Power to approve dairy establishments and egg product establishments.
25. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling both raw meat and ready to eat foods.
26. To keep a register of food business premises.
27. Power to register food business premises.
28. Power to issue arena and theatre licences.
29. Power to license zoos.
30. To consider and determine applications for public entertainment licences.

31. The functions of the Council under the following legislation:

- I. House to House Collections Act 1939 as amended by the Local Government Act 1972;
- II. Betting, Gaming and Lotteries Act 1963 - 1971 as amended by the Gaming and Lotteries (Amendment) Act 1980.
- III. Gaming Act, 1968 as amended by the Lotteries and Amusement Act 1976.

32. Power to fix those fees and charges falling within the remit of the Committee.

AGENDA

Page

- 1 **Apologies for Absence and Substitutions.**
- 2 **To approve, as a correct record, the minutes of the meeting held on 31 October.** 7 - 9
- 3 **Declaration of Interests.**
- 4 **National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S)** 11 - 19
Report of Head of Environment
- 5 **Amendments to Equality Act 2010 following the introduction of the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022** 21 - 41
Report of Head of Environment
- 6 **Any other item which the Chair considers urgent.**
- 7 **Exclusion of the Press and Public.**
To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 8 **Change of circumstance of joint Hackney Carriage/Private Hire Drivers Licence - MTAK** 43 - 71
Report of Head of Environment

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MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 31 October 2023

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling Councillor Alex Scroggie
Councillor Rachael Ellis Councillor Martin Smith
Councillor Julie Najuk Councillor Clive Towsey-Hinton
Councillor Sue Pickering Councillor Paul Wilkinson

Absent: Councillor Boyd Elliott and Councillor Des Gibbons

Officers in Attendance: C Allcock, J Brough and B Hopewell

37 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

None.

38 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 3 OCTOBER 2023.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

39 DECLARATION OF INTERESTS.

None.

40 APPLICATION FOR STREET TRADING CONSENT AT EAGLE SQUARE ARNOLD

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, concerning an application made by Gedling Borough Council for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold. The report also sought approval for the consent to be for a period until the end of December 2024 which is a departure from the Council's Street Trading Policy.

RESOLVED to:

- 1) Approve the application made by Gedling Borough Council for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold as shown attached to the report; and

- 2) Approve a departure from the Council's Street Trading Policy and that the consent be until the end of December 2024.

41 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

42 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the reports involved the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

43 APPLICATION FOR A ONE YEAR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - FM

Consideration was given to a report of the Head of Environment, which had been circulated prior to the meeting, regarding an application for a one year joint Hackney Carriage/Private Hire Driver's Licence for FM.

FM attended the meeting and addressed the Committee.

In making its decision, the Committee found that there were exceptional mitigating circumstances surrounding the offences which allowed for departure from the Council's approved Policy and Guidelines.

RESOLVED to:

Approve FM's application for a one year Joint Hackney Carriage/Private Hire Driver's Licence.

44 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - IK

Consideration was given to a report of Head of Environment, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

IK attended the meeting along with his solicitor and they both addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED:

To suspend IK's Joint Hackney Carriage/Private Hire Driver's Licence for 14 days and to issue a warning to IK that such conduct fell short of the expected standard and advised that he consider his actions more carefully should such instances occur in future.

IK was given 21 days to surrender his licence and was advised of his right to appeal against the decision of the Committee.

The meeting finished at 6.25 pm

Signed by Chair:
Date:

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Report to Environment and Licensing Committee

Subject: National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S)

Date: 9 January 2024

Author: Head of Environment

Purpose

To inform Members of the legal position regarding the use of the NR3S register (the 'Register'), pursuant to the Taxis and Private Hire Vehicle (Safeguarding and Road Safety) Act 2022

To seek Members approval to input into the Register retrospective, qualifying decisions made by the Council after consideration of the NAFN (National Anti-Fraud Network) best practice advice.

Recommendation(s)

THAT:

- 1. Members note the legal position regarding the use of the NR3S register.**
- 2. Officers are authorised to write to all licence holders current and historic where decisions have been made regarding their Hackney Carriage/Private Hire Drivers licences that merit inclusion on the Register.**
- 3. Any responses to these letters be considered by the Head of Environment in consultation with the Chair of the Environment and Licensing Committee to decide if it is fair and appropriate in each individual case to include that data on the Register.**
- 4. After the 28 day response period to the above letters has passed, to authorise officers to arrange the bulk upload of historic data for the previous 5 years to the Register in accordance with the procedural advice from NAFN.**
- 5. That the Hackney Carriage/Private Hire Driver Licence**

Conditions be amended to state that if the licence holder is informed that they have been included in the NAFN register, been subject to disciplinary proceedings, been suspended or revoked by another Authority with which they hold a licence then they must notify the Council, in writing, within 48 hours, preferably by email.

1 Background

- 1.1 The Local Government Association (LGA) and the National Anti-Fraud Network (NAFN) launched the National Register of Taxi Licence Revocations and Refusals (NR3) in 2018. The Register provided a mechanism for licensing authorities to record details where a taxi or PHV drivers' licence had been refused or revoked, and allows licensing authorities to check new applicants against the register. The simple objective of the NR3 was to ensure that licensing authorities could take properly informed decisions on whether an applicant was 'fit and proper', in the knowledge that another authority had previously reached a negative view on the same applicant.
- 1.2 NR3 was developed and promoted to improve public safety and confidence in taxi and PHV licensing. The benefits of sharing this data were widely acknowledged and the Department for Transport (DfT) has recognised the value of NR3, using legislation to mandate its use. NR3 was introduced in 2018 on a voluntary basis and the Council opted to use the system as it was considered good practice to search applicants for taxi drivers licences and to make any Data Protection Act (DPA) requests to other Authorities as appropriate.
- 1.3 On 31 March 2022, the [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#) received Royal Assent. [Statutory Guidance](#) was published on 23 May 2022. From 7 April 2023, the Act places new duties on PHV licensing authorities in England. The Act contains provisions that require licensing authorities to record information relating to drivers' licensing histories (refusals, revocations or suspensions), if made wholly or in part on the basis of relevant information, on a National Register. Furthermore, before a licensing authority in England decides whether to grant or renew a driver licence, it must search the Register for any entry relating to the applicant.
- 1.4 The NR3 register has been enhanced to meet these new operational requirements and rebranded as the NR3S National Register. The Secretary of State has approved the new Register and confirmed that it will be maintained by NAFN.

- 1.5 Whenever the authority processes a new application or renewal, a check is made by the Licensing Team on the Register at a suitable stage of the process to confirm whether the applicant was subject to a previous licensing decision of which they should be aware. A licensing authority must not base its decision solely on an entry on the Register. Every application must be considered on its own merits.
- 1.6 The Register also enables licensing authorities to comply with its Statutory obligations to input data regarding qualifying decisions on refusals, revocations and suspensions of taxi and PHV driver licences and this has to be done within 5 days of a decision being made by the Authority.

2 Proposal

- 2.1 There is no mandatory requirement for Authority's to input retrospective decisions made prior to 27 April 2023 to the Register. However, it is advised as best practice to record relevant decisions made within the last 11 years. This historic data can be submitted to NAFN allowing the bulk upload of these records onto the Register. Officers are of the opinion that 11 years worth of historical data is excessive and not proportionate and recommend that the past 5 years of historical data be more appropriate. This 5 year time frame is in line with the introduction of the register in 2018.
- 2.2 Before any historic data is uploaded, the authority must write to those individuals to whom the data relates stating that the data will be uploaded at a future date. Individuals should be informed about the purposes of the data processing, the legal basis for it, and their various rights to object in this regard. These individuals should be allowed a period of not less than 28 days to respond. Any letter to these individuals does not specifically need to invite representations about the proposal. Any representations that are made in that period should be considered by the authority and data should only be uploaded where the authority feels that it is fair and appropriate to do so.

3 Alternative Options

- 3.1 That the uploading of historical data is not authorised which would mean that other Authorities would not have the opportunity to take into account decisions made by this Authority when considering the fit and proper status of an applicant. This could result in a risk to public safety.
- 3.2 That in accordance with the Officer recommendation an alternative period of 5 years of historical data be included rather than the suggested period of 11 years of data.

4 Financial Implications

4.1 None

5 Legal Implications

5.1 There is no statutory duty to input historic data onto the Register but it is recommended as best practice. If members authorise the inputting of historic data the procedure explained at paragraph 2.2 of the report should be followed.

5.2 At the time of making an application for a drivers licence all drivers must sign a declaration that they agree and understand that if their licence is refused, suspended, or revoked other licensing authorities may be informed.

5.3 It is now a statutory obligation that the Council records any decisions made wholly or partially due to 'relevant information' on the Register as well as searching the Register when an application is made.

6 Equalities Implications

6.1 Appendix 1 - Equalities Impact Assessment

7 Carbon Reduction/Environmental Sustainability Implications

7.1 None

8 Appendices

8.1 Appendix 1 – Equalities Impact Assessment

9 Background Papers

9.1 None

Statutory Officer approval

Approved by:


Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

Equalities Impact Assessment					
Name of project, policy, function, service or proposal being assessed:		Introduction of the use of the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S)			
The main objective of (please insert the name of accessed document stated above):		Ensure the safety of the public			
<p>What impact will this Introduction of the use of the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S) have on the following groups? Please note that you should consider both external and internal impact:</p> <ul style="list-style-type: none"> • External (e.g. stakeholders, residents, local businesses etc.) • Internal (staff) 					
Please use only 'Yes' where applicable		Negative	Positive	Neutral	Comments
<u>Gender</u>	External		Yes		It will protect lone females harm
	Internal			Yes	
<u>Gender Reassignment</u>	External		Yes		It will protect people who have undergone gender reassignment from harm

	Internal			Yes	
<u>Age</u>	External		Yes		We are aware that elderly people can be vulnerable especially to acts of dishonesty and this will protect them
	Internal			Yes	

<u>Marriage and civil partnership</u>	External			Yes	
	Internal			Yes	
<u>Disability</u>	External			Yes	
	Internal			Yes	
<u>Race & Ethnicity</u>	External			Yes	
	Internal			Yes	
<u>Sexual Orientation</u>	External			Yes	
	Internal			Yes	
<u>Religion or Belief (or no Belief)</u>	External			Yes	
	Internal			Yes	
<u>Pregnancy & Maternity</u>	External			Yes	
	Internal			Yes	
<u>Other Groups</u> (e.g. any other vulnerable groups, rural isolation, deprived areas, low income staff etc.)	External		Yes		It will help protect vulnerable groups from harm
	Internal			Yes	

Please state the group/s: ___Vulnerable people___ _____ -					

Is there is any evidence of a high disproportionate adverse or positive impact on any groups?		No	Comment The Council licences in excess of 700 drivers and operators and only a small number of them are refused or revoked a licence
Is there an opportunity to mitigate or alleviate any such impacts?		No	Comment
Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?		No	Comment

In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out:

Planned Actions	Timeframe	Success Measure	Responsible Officer
This is now statutory	As soon as it is approved by E&L Committee	Approval by E&L Committee	Kevin Nealon

Authorisation and Review

Completing Officer	Kevin Nealon
Authorising Head of Service/Director	Mel Cryer
Date	16.11.23
Review date (if applicable)	N/A

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Report to Environment & Licensing Committee

Subject: Amendments to Equality Act 2010 following the introduction of the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022

Date: 9 January 2024

Author: Head of Environment

Purpose

To inform Members' of the introduction of the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022 (the '2022 Act'), which amends the Equality Act 2010 (the '2010 Act'), by amending existing duties, and placing new duties on local licensing authorities ('LLA'), drivers of both taxis and private hire vehicles and private hire operators.

To update Members' on the requirement for LLAs to maintain and publish a list of designated wheelchair accessible vehicles ('WAV') under s.167 of the 2010 Act.

To seek Members' approval to introduce the 'Policy on Disabled Persons having Access to and for their Safe Carriage within Licensed Taxis & Private Hire Vehicles and the Requirement for the Licensing Authority to Maintain a Designated Vehicle List'. This Policy is attached at Appendix 1 of this report including the process to apply for an exemption.

To seek Members' approval to delegate all functions and responsibilities under the Act and any regulations made there under, to the Chief Executive.

Recommendation(s)

THAT:

- 1) Members approve the introduction of the 'Policy on Disabled Persons having Access to and for their Safe Carriage within Licensed Taxis & Private Hire Vehicles and the Requirement for the Licensing Authority to Maintain a Designated Vehicle List' found at Appendix 1 of this report including the process to apply for an exemption at Appendix 2 of this report and the request for exemption form at Appendix 3 of this report.
- 2) Members note the amendment to s.167 of the 2010 Act and the legal obligation on the Council to maintain and publish a list of designated

wheelchair accessible vehicles.

- 3) Members delegate all functions and responsibilities under the 2022 Act and any regulations made there under, to the Chief Executive.

1 Background

- 1.1 In April 2018, members approved the 'Policy on the Carriage of Persons in Wheelchairs when Carried in a Designated Vehicle', following the introduction of statutory guidance issued to local authorities under the 2010 Act. This Act brought together a number of existing laws into one place making it easier to use. The 2010 Act legally protects people from discrimination in the workplace and in wider society.
- 1.2 Part 12 of the 2010 Act specifically relates to the use of taxis and private hire vehicles by disabled persons, and their rights when using such services provided by drivers of taxi and private hire vehicles, and operators of private hire vehicles.
- 1.3 On 29th June 2022, the 2022 Act came into force. The 2022 Act amends Part 12 of the 2010 Act by introducing new, and amending existing duties placed upon local authorities, taxi and private hire drivers and private hire operators.
- 1.4 The aim of the 2022 Act is to ensure disabled people can access and use taxi and private hire services with confidence, and not be discriminated against.
- 1.5 Before the introduction of the 2022 Act, duties were only placed on the drivers of taxis and private hire vehicles which were designated as Wheelchair Accessible Vehicle (WAV) and regarding passengers travelling with assistance dogs. The 2022 Act now places new duties on all drivers of non-designated WAV taxis and private hire vehicles when dealing with disabled passengers. These new duties can be found in the proposed policy at Appendix A.
- 1.6 Drivers of Gedling licensed taxis and private hire vehicles will be advised and made aware of their duties imposed upon them by the 2022 Act via email and it is a criminal offence for drivers of a taxis and private hire vehicles (unless exempt) to fail to comply with these duties. The new duties will also be made available to the service users through the Council's website and Council's Contacts magazine.
- 1.7 Prior to the implementation of the 2022 Act, section 167 of the Equality Act 2010 stated that a licensing authority **may** maintain a list of vehicles which are designated as WAV. The 2022 Act amends section 167 which now

states licensing authorities **must** maintain and publish a list of licensed taxi and private hire vehicles which are designated as being WAV.

- 1.8 Section 166 of the 2010 Act allows drivers to apply for an exemption from the duties. All applications will be determined by the licensing authority. An exemption certificate will be granted if the Council are satisfied that it is appropriate to do so, on medical or physical grounds.

The licensing authority are responsible for the enforcement of drivers' duties under the 2010 Act as well as, the administration of any exemption requests received from any of its licensed drivers who drive either a designated or non-designated wheelchair accessible vehicle, and the maintenance of the Designated Vehicle List.

- 1.9 Section 172 of the 2010 Act enables vehicle owners to appeal against the decision of a licensing authority to include their vehicle on the designated list. That appeal should be made to the Magistrates' court and must be made within 28 days of the vehicle in question being included on the published list.

Section 172 also enables drivers to appeal against the decision not to issue an exemption certificate under section 166, 169 and 171, that appeal should also be made to the Magistrates' court within 28 days beginning with the date of the refusal.

- 1.10 The 2022 Act also places new duties on private hire vehicle operators. The operator must accept a booking for a vehicle, if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person. The operator must not make or propose to make any additional charge for carrying out and fulfilling the booking made by or on behalf of a disabled person.

- 1.11 Implementing the 'Policy on Disabled Persons having Access to and for their Safe Carriage within Licensed Taxis & Private Hire Vehicles and the Requirement for the Licensing Authority to Maintain a Designated Vehicle List' will provide clarity to both licensed drivers, private hire operators and service users and provide information about the Council's roles and responsibilities with regards to disabled persons having access to and for their safe carriage within licensed Taxis and private Hire vehicles.

- 1.12 The policy will also provide a clear application process and guidance to licensed drivers who wish to apply for an exemption from the duties to carry disabled passengers.

2 Proposal

- 2.1 That Members approve the 'Policy on Disabled Persons having Access to and for their Safe Carriage within Licensed Taxis & Private Hire Vehicles and the Requirement for the Licensing Authority to Maintain a Designated Vehicle List'.
- 2.2 That Members delegate all functions and responsibilities under the 2022 Act and any regulations made there under, to the Chief Executive.

3 Alternative Options

- 3.1 Members could choose not to approve the 'Policy on Disabled Persons having Access to and for their Safe Carriage within Licensed Taxis & Private Hire Vehicles and the Requirement for the Licensing Authority to Maintain a Designated Vehicle List'. This would potentially leave licensed drivers, private hire operators unclear about their duties, and service users unaware of their protections. Officers would therefore not recommend this course of action.

4 Financial Implications

- 4.1 The implementation and communication of the new duties and policy will be met through existing budgets.

5 Legal Implications

- 5.1 The new duties introduced under The 2022 Act along with the existing duties under The 2010 Act are law and must be adhered to. Drivers of taxi and private hire vehicles, and operators of private hire vehicles will face criminal charges if they are found in breach of the duties.
- 5.2 Under the 2022 Act it is now a legal requirement that the Council maintain and publish a list of WAV's and that this is kept under review. We also have a legal duty to issue exemption certificates to drivers if appropriate.

6 Equalities Implications

- 6.1 EIA form attached at Appendix 4

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 None

8 Appendices

- 8.1 Appendix 1: Policy on Disabled Persons having Access to and for their Safe Carriage within Licensed Taxis & Private Hire Vehicles and the Requirement for the Licensing Authority to Maintain a Designated Vehicle

List.

8.2 Appendix 2: Process to Applying for Exemption from Duties Imposed on the Driver of a Licensed Vehicle when hired by or on Behalf of a Disabled Person

8.3 Appendix 3: Request for Exemption from Duties Imposed on the Driver of a Licensed Vehicle when hired by or on Behalf of a Disabled Person Form

8.4 Appendix 4: Equality Impact Assessment form

9 Background Papers

9.1 None

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

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Policy on Disabled Persons having Access to and for their Safe Carriage within Licensed Taxis & Private Hire Vehicles and the Requirement for the Licensing Authority to Maintain a Designated Vehicle List.

What responsibility does the Council have regarding the assistance of disabled persons and their use of taxi and private hire vehicles?

Gedling Borough Council is responsible for licensing taxi drivers (both private hire and hackney carriage drivers), their vehicles, and private hire operators within its area. The Council, under powers given to it by the Equality Act 2010 (the Act), are required to administer a list of licensed vehicles which are occupied wheelchair accessible. This list is referred to as the Designated Vehicles list.

The Council is responsible for enforcement of the drivers' responsibilities with respect to provide assistance to and the carriage of a disabled passenger. The Council is also responsible for the enforcement of the private hire operators' responsibilities with respect of accepting a booking requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person.

The Council upon successful application by a driver, may exempt the driver from their responsibilities on medical grounds, or a physical condition making it impossible or unreasonably difficult.

What is the Designated Vehicle List?

The Designated Vehicle list is the Council's record of all licensed vehicles which are capable of carrying, some – but not necessarily all – types of occupied wheelchairs. This means the wheelchair user is able to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in the wheelchair. Such vehicles are referred to as Wheelchair Accessible Vehicles (WAV).

Under section 167 of the Act the Council are required to maintain and publish the Designated Vehicles List. A current is published on the Council's website ([insert link](#))

What responsibilities do Drivers' of a designated Taxi or Private Hire vehicle have?

A driver of any designated vehicle must:

- carry passengers while seated in the wheelchair
- carry passengers who do not wish to remain in the wheelchair and to load the wheelchair into and out of the vehicle
- provide assistance to those passengers
- not charge those passenger extra for the service
- provide mobility assistance as is reasonably required
- load and unload the passengers luggage

What responsibilities do Drivers' of a non-designated Taxi or Private Hire Vehicle have?

A driver of any non-designated vehicle must:

- take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
- carry passenger
- carry the wheelchair, if the passenger has with them a wheelchair
- carry the mobility aids if the passenger has with them any mobility aids.
- take such steps as are reasonable to ensure that the passenger is carried in a safe and reasonable comfort
- give the passenger such mobility assistance as is reasonably required, by enabling the passenger to get into or out of the vehicle; load the passengers luggage, wheelchair or mobility aids into or out of the vehicle
- not to make, or propose to make any additional charge for complying with any duty listed above

Exempt Drivers

The Act allows the Council to exempt drivers from the duties to carry disabled passengers, where it is appropriate to do so, on medical grounds or due to the drivers' physical condition making it impossible or unreasonably difficult for them to comply with those duties listed above. The driver may submit to the Council an application for exemption by completing the prescribed application form accompanied by any medical evidence in support of the exemption application.

Any driver who holds a valid exemption certificate is required to display the valid exemption notice in clear view within the licensed vehicle, until such time the exemption notice expires.

Until the driver has been issued with a valid exemption notice, the driver must continue to carry on with the responsibilities as specified above.

What responsibilities do Operators of Private Hire Vehicle have?

A Private Hire Operator must:

- accept a booking for a vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person
- not to make, or propose to make any additional charge for the carrying out of any duty imposed on the driver of the Private Hire vehicle as listed above

What do I do if I think a driver and or the private hire operator is not fulfilling their responsibilities?

If you have a concern about a driver and or the private hire operator not fulfilling their duties, we ask that you report your concerns to the Council as soon as you can. We need to be able to identify the driver and or the private hire operator, so information from you about the registration number, the licence number of the vehicle and/or the name of the driver/operator is essential. It will also help if you can give us the names and addresses of any other witnesses.

What sort of things should I report to you?

We want to know about anything that may make a driver non-compliant with the duties of a driver of a designated vehicle. For instance:

- refusal to carry a disabled passenger, their wheelchair and or mobility aids.
- refusal or reluctance by the driver to assist a disabled passenger to get into or out of the vehicle; load the passengers' luggage, wheelchair or mobility aids into or out of the vehicle
- overcharging by way of adding an additional charge for the carriage of, and or the assisting a disabled passenger
- incorrectly displaying of an Exemption Notice within the vehicle
- displaying an expired, fake or counterfeit Exemption Notice

How do I make a complaint?

- Via our web site - [Taxi Complaints \(gedling.gov.uk\)](https://www.gedling.gov.uk/taxi-complaints)
- If you want assistance completing the online taxi complaint form please contact Customer Services on 0115 9013971 or visit the Council Offices.

What will you do?

We will investigate every complaint made. If the complaint is upheld, we have the power to take action which, in very serious cases, may mean that the driver's licence is revoked.

Any driver or operator found to be in breach of their duties will be liable to prosecution and face up to a £1000 fine.

Any questions?

If you have any questions, or wish to have information about the investigation procedure, please contact us on 0115 9013971 or by email as licensing@gedling.gov.uk

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Process to Applying for Exemption from Duties Imposed on the Driver of a Licensed Vehicle when hired by or on Behalf of a Disabled Person

How do I make an application to be exempt from carrying persons in a wheelchair?

- Obtain a copy of the Council's Policy on Disabled Passengers having Access to and for their Safe Carriage within Licensed Taxis & Private Hire Vehicles and the Requirement for the Licensing Authority to Maintain a Designated Vehicle List. Read and understand the Policy as this will assist your application. You can find this on the Council's website www.gedling.gov.uk
- Obtain a Request for Exemption from Duties Imposed on the Driver of a Licensed Vehicle when hired by or on Behalf of a Disabled Person Form from the Council
- Take both the policy and the form to the doctor or medical professional who is assisting you with the medical condition.
- Complete the form and attach any medical evidence provided by the doctor or medical professional that relates to the request for exemption.
- Sign, date and submit the completed form and the accompanying medical evidence to the Council.

Please Note – A submitted application does not exempt you from the duties of a driver of a licensed vehicle when hired by or on behalf of a disabled person. Only when you are in receipt of an exemption certificate will you be deemed exempt from such duties.

What happens to my application?

Upon receipt of the application and any accompanying medical evidence, the Council will consider all the information submitted. Officers will follow up where it is deemed necessary, to request additional information, or to seek further explanation from the doctor or medical professional who is named within the application.

How will I be notified of the outcome of my application?

The Council will inform you of the decision in writing by way of a Decision Notice.

If an Exemption Certificate has been granted, the certificate will be attached to the decision notice, along with the conditions of the Exemption Certificate.

If an Exemption Certificate is not granted, only the Decision Notice will be issued.

Do I have a right of appeal against the decision?

Yes, you can appeal against the decision. You have 28 days from the date of the decision to make an appeal at the Magistrates' court. The decision notice will contain all the information on how to make an appeal against the decision.

Yes (if yes, please attach the medical evidence to the form before submitting)

No

3. Doctor / Medical Specialist Contact Details (To be completed by the Medical Professional)

Name:

Address:

Telephone No:

Patients Name:

Date of Birth:

5. Medical Evidence (To be completed by the Medical Professional)

In your opinion, does the person named above suffer from a medical or physical condition that would prevent them from undertaking their responsibilities of carrying disabled passengers?

Yes (if yes, please give details below)

No

Please provide details of the condition below, and attach any relevant reports / test results etc.

5. Declaration

I have read and understand Gedling Borough Council's Policy on Disabled Persons having Access to and for their Safe Carriage within Licensed Taxis & Private Hire Vehicles. And the Requirement for the Licensing Authority to Maintain a Designated Vehicle List, and I understand the process in applying for a


medical exemption.

- I enclose information from my medical practitioner and consent to Gedling Borough Council contacting them to verify this information and request further information regarding my medical condition if necessary.
- I declare that all the information given in this application is true and accurate.
- I understand that the information I have provided, including personal data, may be used and/ or disclosed for the following purposes:
 - Assessing whether I am eligible for an Exemption Certificate (this means that your personal information may be released to third parties as part of the assessment process).
 - In response to valid requests for information from other bodies including local authorities, medical practitioner, the police, other law enforcement agencies and solicitors where the disclosure is permitted under the Data Protection Act or required by law.
- I understand that, if granted an Exemption Certificate, it is an offence to forge, alter or allow another to use that certificate.

Signed

Date: / /

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Equalities Impact Assessment					
Name of project, policy, function, service or proposal being assessed:		Amendments to Equality Act 2010 following the introduction of the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022			
The main objective of (please insert the name of accessed document stated above):		To adhere to the amendments to Equality Act 2010 following the introduction of the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022			
<p>What impact will this (please insert the name) have on the following groups? Please note that you should consider both external and internal impact:</p> <ul style="list-style-type: none"> • External (e.g. stakeholders, residents, local businesses etc.) • Internal (staff) 					
Please use only 'Yes' where applicable		Negative	Positive	Neutral	Comments
<u>Gender</u>	External		Yes		Assist disabled people of all genders when travelling in licensed taxis
	Internal			Yes	
	External		Yes		Assist disabled people who have undergone gender

Gender Reassignment					reassignment when travelling in licensed taxis
	Internal			Yes	
Age	External		Yes		Assist disabled elderly people when travelling in licensed taxis
	Internal			Yes	

<u>Marriage and civil partnership</u>	External			Yes	
	Internal			Yes	
<u>Disability</u>	External		Yes		Assist people with any disability when travelling in licensed taxis
	Internal			Yes	
<u>Race & Ethnicity</u>	External			Yes	
	Internal			Yes	
<u>Sexual Orientation</u>	External			Yes	
	Internal			Yes	
<u>Religion or Belief (or no Belief)</u>	External			Yes	
	Internal			Yes	
<u>Pregnancy & Maternity</u>	External			Yes	
	Internal			Yes	
Other Groups (e.g. any other vulnerable groups, rural	External			Yes	

isolation, deprived areas, low income staff etc.) Please state the group/s: _____ _____	Internal				

Is there is any evidence of a high disproportionate adverse or positive impact on any groups?		No	Comment
Is there an opportunity to mitigate or alleviate any such impacts?		No	Comment
Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?		No	Comment

In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out:

Planned Actions	Timeframe	Success Measure	Responsible Officer

Authorisation and Review

Completing Officer	Kevin Nealon
Authorising Head of Service/Director	Mel Cryer
Date	22.12.23
Review date (if applicable)	

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of the Local Government Act 1972.

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