



Environment & Community Services Department

Mr Doug Paulley
Email Address Provided

Sent via email to:
request-443283-
3ea30c68@whatdotheyknow.com

Date: 29th November 2017
Your Ref:
Our Ref: FIDP/010063-17
Enquiries to: Licensing Service
Tel: 01454 868001
Email: Licensing@southglos.gov.uk

Dear Mr Paulley,

RE: FREEDOM OF INFORMATION ACT REQUEST

Thank you for your request for information received on 6th November 2017. Further to our acknowledgement of 6th November 2017, I am writing to provide the Council's response to your enquiry. This is provided at the end of this letter.

I trust that your questions have been satisfactorily answered. If you have any questions about this response then please contact me again via ECSFeedback@southglos.gov.uk or at the address below.

If you are not happy with this response you have the right to request an internal review by emailing ECSFeedback@southglos.gov.uk. Please quote the reference number above when contacting the Council again.

If you remain dissatisfied with the outcome of the internal review you may apply directly to the Information Commissioner's Office (ICO). The ICO can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or via their website at www.ico.org.uk

Yours sincerely

**Licensing Service
South Gloucestershire Council**

cc ECSFeedback@southglos.gov.uk

FOI request reference: FIDP/010063-17	Request Title: S167 List of Accessible Taxis
Date received: 6 th November 2017	Service areas: Transport & Streets
Date responded: 29 th November 2017	

FOI Request Questions	Responses
<p><i>I am writing this Freedom of Information Request in relation to your Council's compliance or otherwise with the Government's statutory guidance on implementation of S165-167 of the Equality Act, relating to taxi services for wheelchair users. All taxi licensing bodies are obliged under S167(6) to have "due regard" to the document "Access for wheelchair users to taxis and private hire vehicles: statutory guidance" at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf . The questions I raise below should be interpreted as requests for recorded information under the Freedom of Information Act.</i></p> <p><i>I have previously made a similar request to you in April 2017. 6+ months later, I am requesting extra detail. I am doing so because the Statutory Guidance states "We would expect these arrangements to take no more than a maximum of six months to put in place, following the commencement of these provisions" - "these provisions" having been commenced on 6th April.</i></p> <p><i>In response to my previous FOI request on similar matters in April 2017, you indicated that you have a Section 167 list.</i></p> <p><i>1) Please could you confirm that you still have a S167 list or lists?</i></p>	<p>South Gloucestershire Council has produced and published a list of currently licensed wheelchair accessible taxis, this can be requested in writing and sent by e-mail. The Council uploads a list of currently licensed wheelchair accessible taxis to the Licensing (vehicles) website pages.</p>
<p><i>2) Assuming so, provide information in response to the following questions 2a) to 2j):</i> <i>2a) The statutory guidance states "The Government therefore recommends that a vehicle should only be included in the authority's (S167) list if it would be possible for the user of a</i></p>	<p>South Gloucestershire Council has produced and published a list of currently licensed wheelchair accessible taxis, it is</p>

<p><i>"reference wheelchair" to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair."</i></p> <p><i>Is this the definition you have used for a taxi or PHV to be considered wheelchair accessible for the purposes of the list?</i></p>	<p>our understanding that a user of a reference wheelchair would be able to use these vehicles.</p>
<p><i>2b) The statutory guidance states: "Before drivers can be subject to the duties under section 165 of the Act, the LA must first publish their list of designated vehicles, and clearly mark it as 'designated for the purposes of section 165 of the Act'. LAs should ensure that their designated lists are made easily available to passengers, and that vehicle owners and drivers are made aware. Lists should set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of operator."</i></p> <p><i>Have you published your list? Is it marked "designated for the purposes of Section 165 of the Act"? Is the make and model of each vehicle listed? Is each vehicle identified as a taxi or a private hire vehicle? Is the name of the operator of each vehicle given in the list? Have you made owners and drivers of vehicles on the list aware that their vehicle has been listed?</i></p>	<p>South Gloucestershire Council has produced and published a list of currently licensed wheelchair accessible taxis. The list is not currently marked designated for the purposes of section 165.</p>
<p><i>2c) The guidance states: "it would also be helpful to include information about the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a "reference wheelchair" can be accommodated."</i></p> <p><i>Does your list include information on each vehicle as to the size and weight of wheelchair that can be accommodated, and whether wheelchairs larger than a "reference wheelchair" can be accommodated?</i></p>	<p>South Gloucestershire Council does not provide information on each vehicle as to the size and weight of wheelchair that can be accommodated.</p>
<p><i>2d) The guidance states: "We encourage LAs to provide drivers of taxis and PHVs who are not exempt from the duties with clear guidance on their duties with respect to the carriage of passengers in wheelchairs, either as part of existing driver-facing guidance, or as supplementary communication."</i></p> <p><i>Have you provided non-exempt taxi/PHV drivers with such guidance?</i></p>	<p>South Gloucestershire Council does not hold any information of HCV (taxi) and PHV drivers who have applied for medical/physical impairment exemption under s166 of the Equality Act 2010. The DfT guidance has been discussed and minuted with the Taxi Liaison Group.</p>

2e) <i>The guidance states: "We recommend that licensing authority rules for drivers are updated to make clear when a meter can and cannot be left running". Have you updated such rules to make this clear?</i>	South Gloucestershire Council has not updated rules to make this clear.
2f) <i>The guidance states: "Section 172 of the Act enables vehicle owners to appeal against the decision of a LA to include their vehicles on the designated list. That appeal should be made to the Magistrate's Court, or in Scotland the sheriff, and must be made within 28 days of the vehicle in question being included on the LA's published list." Please tell me how many such applications have been made to the Magistrates Court, and how many have been successful.</i>	South Gloucestershire Council does not hold any information of any application appeals.
2g) <i>How many drivers has the authority prosecuted for discriminatory behaviour contrary to S165 of the Act? How many such prosecutions were successful? What were the sentences?</i>	South Gloucestershire Council has not prosecuted any drivers.
2h) <i>How many drivers licensed by yourselves have been prosecuted by other people or bodies for failure to comply with S165 of the Act? How many such prosecutions were successful? What were the sentences?</i>	South Gloucestershire Council does not hold any information of any other people or bodies who have prosecuted drivers.
2i) <i>Where drivers have been prosecuted under S165 of the Act, thus affecting their standing as a "fit and proper person", what resultant disciplinary action have you taken in respect of their taxi or private hire vehicle drivers' licenses?</i>	South Gloucestershire Council does not hold any information of drivers who have been prosecuted under s165 of the Act.
3) <i>The Guidance states; "the Act allows LAs to grant exemptions from the duties to individual drivers. These provisions are contained in section 166, and were commenced on 1st October 2010."</i>	
3a) <i>How many exemptions have you granted under S166 of the Equality Act 2010?</i>	South Gloucestershire Council does not hold any information of HCV (taxi) and PHV drivers who have applied for medical/physical impairment exemption under s166 of the Equality Act 2010.
3b) <i>The guidance states: "We understand that some licensing authorities have already put in</i>	South Gloucestershire Council does not

<p><i>place procedures for accessing and exempting drivers, and as an absolute minimum, we think that the evidence provided should be in the form of a letter or report from a general practitioner."</i></p> <p><i>Do you accept or require a letter or report from a GP to process applications for driver exemption under S166?</i></p>	<p>have any current requirements for a letter or report from a GP.</p>
<p><i>3c) The guidance states: "The Government's view is that decisions on exemptions will be fairer and more objective if medical assessments are undertaken by professionals who have been specifically trained and who are independent of the applicant. We would recommend that independent medical assessors are used where a long-term exemption is to be issued, and that LAs use assessors who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant"</i></p> <p><i>Have you appointed independent medical assessors to determine applications for medical exemption under S166?</i></p>	<p>South Gloucestershire Council does not have any current requirements for an independent medical assessor to determine applications for medical exemption.</p>
<p><i>3d) Please provide a copy of your application form for driver exemption under S166.</i></p>	<p>South Gloucestershire Council will currently accept written requests from drivers for exemption under s166, for consideration by the Licensing Service.</p>
<p><i>3e) The guidance states: "Section 172 of the Act enables drivers to appeal against the decision of a LA not to issue an exemption certificate. That appeal should be made to the Magistrate's Court, or a sheriff in Scotland, and must be made within 28 days beginning with the date of the refusal."</i></p> <p><i>How many appeals against refusal to issue S166 exemptions have been heard?</i></p>	<p>South Gloucestershire Council does not hold any information of any application appeals.</p>
<p><i>3f) How many appeals against refusal to issue S166 exemptions were successful?</i></p>	<p>South Gloucestershire Council does not hold any information of any application appeals.</p>
<p><i>4) The guidance states: "We would therefore recommend that LAs also publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their</i></p>	<p>South Gloucestershire Council does not hold any information of vehicles that are</p>

wheelchair into a seat within the vehicle. It should be made clear however that this list of vehicles has not been published for the purposes of section 165 of the Act and drivers of those vehicles are therefore not subject to the legal duties to provide assistance."
Do you currently publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchairs into a seat within the vehicle?

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