

Date: 1 December 2017  
Your reference:  
Our reference: DBC\FOI\5618 - R533644  
Contact: Freedom of Information team  
Email: [foi@dacorum.gov.uk](mailto:foi@dacorum.gov.uk)  
Direct line:



Doug Paulley

By email to: [request-443163-9f96fb28@whatdotheyknow.com](mailto:request-443163-9f96fb28@whatdotheyknow.com)

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Dear Mr Paulley

**Your request dated 4 November 2017 for information under the Freedom of Information Act 2000. Our reference: DBC\FOI\5618**

Thank you for your above request.

In your correspondence you have requested the information set out below and in what follows I set out the Council's response:

## **(1) DETAILS OF REQUEST**

You requested the following information:

*[questions included below in italics]*

## **(2) RESPONSES**

- 1) Please can you indicate whether you do now have a list of wheelchair accessible taxis under your powers set out in Section 167 of the Equality Act 2010, and/or a list of wheelchair accessible private hire vehicles?*

Dacorum Borough Council has resolved to maintain such a list, and we are currently in the process of designating applicable vehicles and populating our list.

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*2a) On what date was it put in place?*

The portfolio holder decision to maintain a list and delegate applicable powers to officers was confirmed on the 15<sup>th</sup> November 2017, following consultation and call-in periods.

*2b) Is this the definition you have used for a taxi or PHV to be considered wheelchair accessible for the purposes of the list?*

Yes.

*2c) 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?*

We are currently designating vehicles to populate the list, and it will be published on completion of this process. The list will include a statement that the vehicles included have been designated under section 167, together with a brief summary of the duties under section 165. Makes and models will be included. We have resolved only to designate hackney carriages at the present time. Vehicle proprietor names will be included. Proprietors will be notified of the decision to designate their vehicle, and the attendant right of appeal against such decisions. They will also be asked if they wish contact details to be published alongside their vehicle details, for the purposes of inviting bookings for that vehicle.

*2d) 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?*

Dimensions of the reference wheelchair are included on our draft list, but we do not intend to include details of capacity to carry larger wheelchairs.

*2e) Have you provided non-exempt taxi/PHV drivers with such guidance (duties to passengers in wheelchairs)?*

An interim policy on the duties in respect of equalities matters has been adopted and published, setting out our general expectations.

*2f) Have you updated such rules to make this (when meter may be run) clear?*

A reference to the Government guidance on this point has been included within the above mentioned policy.

*2g) Please tell me how many such [appeals against designation] have been made to the Magistrates Court, and how many have been successful.*

None to date.

2h) *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?*

None to date.

2i) *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?*

None known about to date.

2j) *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?*

Not applicable.

3) *If you do not have a S167 list or lists now, please indicate if you still intend to produce such a list.*

See Q1.

4a) *Please indicate when you intend to have the list in place.*

Work is currently underway, and expected to be complete by the end of the calendar year.

4b) *Where you have already made relevant decisions, please indicate whether you intend to comply with the elements of the statutory guidance set out in 2b) to 2f) above.*

See answers above.

5a) *How many exemptions have you granted under S166 of the Equality Act 2010?*

One.

5b) *Do you accept or require a letter or report from a GP to process applications for driver exemption under S166?*

Each case would be considered on its own merits, but we have indicated within our policy (referred to above) that we would expect to receive medical evidence from a medical professional involved in the diagnosis or treatment of the condition for which the exemption is sought.

5c) *Have you appointed independent medical assessors to determine applications for medical exemption under S166?*

This would be considered on a case by case basis, so assessors have not been appointed at this time.

5d) *Please provide a copy of your application form for driver exemption under S166. Attached.*

5e) *How many appeals against refusal to issue S166 exemptions have been heard?*

None to date.

5f) *How many appeals against refusal to issue S166 exemptions were successful?*

Not applicable.

6) *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?*

No, and we do not currently intend to do so.

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Further information explaining the Council's process for responding to information requests is available on our website at [www.dacorum.gov.uk/foi](http://www.dacorum.gov.uk/foi)

Should you have any further queries or information needs, or if you are unhappy about the way your request has been handled, then please do not hesitate to contact me, or the Council's information service at: [foi@dacorum.gov.uk](mailto:foi@dacorum.gov.uk), quoting reference **DBC\FOI\5618**.

Pursuant to Section 50 of the FOIA, you may apply to the Information Commissioner for a decision whether, in any specified respect, your request for information has been dealt with in accordance with the requirements of Part 1 of the FOIA. The Commissioner would of course make a decision on any application unless certain circumstances apply, one of which is that the relevant public authority's complaints procedure has not been exhausted. I would confirm the Information Commissioner's contact details are as follows:-

The Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

SK9 5AF

Helpline: 0303 123 1113

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

Email: [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

If you need further assistance, do please contact me or the information service, as indicated above.

Yours sincerely

*M. Brookes*

**Mark Brookes**

**Solicitor to the Council and Monitoring Officer**

**Legal Governance**