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BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

Held on Wednesday, 22 March 2017 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham

PRESENT

Councillor M. Chapman-Allen (Chairman)	Mrs J. Hollis
Mr K. Martin (Vice-Chairman)	Mrs K. Millbank
Mrs E. J. Bishop	Mr T. F. C Monument
Mr R. F. W. Brame	Mr W. R. J. Richmond
Mr P. R. W. Darby	Mr F.J. Sharpe
Mr K.S. Gilbert	

In Attendance

Tiffany Bentley	- Licensing Officer
Donna Hall	- Licensing & Business Support Manager
Sarah Wolstenholme-Smy	- Interim Legal Services Manager
Julie Britton	- Democratic Services Officer

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10/17 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 11 January 2017 were agreed as a correct record and signed by the Chairman.

11/17 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Councillors Bowes, Askew and L Monument.

12/17 URGENT BUSINESS (AGENDA ITEM 3)

None.

13/17 DECLARATION OF INTERESTS (AGENDA ITEM 4)

None.

14/17 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

None.

15/17 FEEDBACK AND DISCUSSION ON RECENT PANEL MEETINGS (AGENDA ITEM 6)

This matter had already been discussed at the Committee of the Licensing

Authority held immediately before this meeting.

16/17 TAXI LICENSING AND THE EQUALITY ACT 2010 (AGENDA ITEM 7)

The Licensing Officer presented the report which asked Members to consider the information within the report and make a decision as to whether to implement the provisions of Section 165, 166 and 167 of the Equality Act 2010.

The Government was now introducing Sections 165 and 167 of the Equality Act 2010 in relation to the assistance of passengers in wheelchairs using designated taxi and private hire vehicles and these requirements were expected to come into effect on 6 April 2017.

These provisions allowed a Licensing Authority to create a list of 'designated vehicles', vehicles which were capable of carrying passengers in wheelchairs (Section 167) and then required drivers of those vehicles to provide mobility assistance (Section 165).

Some drivers may have a medical or physical condition or disability which would make it impossible or unreasonably difficult to provide the sort of physical assistance required. The Local Authority could therefore grant exemptions from those duties under the provision of Section 166 of the Act.

The Chairman wanted to clarify whether taxi drivers would be fined if they refused to transport a wheelchair and she asked if those drivers that were classed as exempt would have to produce a letter from their GP and undertake a medical assessment. Members were informed that this would have to be done on a case by case basis, the definition of heavy lifting would have to be constituted and a list would have to be created. Breckland currently had nine wheelchair accessible vehicles and the Licensing Team could already direct the public to those vehicles if required.

The Interim Legal Services Manager explained that if Breckland decided to go ahead and implement these provisions, the list could be published on the Council's website.

Many questions were asked and a number of concerns were raised and Councillor Brame saw the logic in the bigger cities implementing these provisions but not for Breckland Council and suggested the second option. Councillor Bishop agreed with the aforementioned suggestion.

Councillor Darby mentioned the Dial a Bus in Swaffham that was used for this purpose; this was a door to door transport service using mini-buses with low steps and wheelchair lifts.

Councillor Sharpe felt that there should be a list but the owners of those vehicles should be able to make a choice. He did not agree with them having to have a medical. Councillor Gilbert agreed that vehicles should be registered.

The Chairman asked the Officers if they had any idea of costs. Members were informed that the majority of the costs would be Officer/legal time but

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once set up the costs would be fairly low.

Councillor Brame felt that these provisions had not been well thought out.

Councillor Monument felt that without a list, firms could charge what they wanted. He further felt that failing to have a list was failing those people.

The Chairman rounded up the debate and highlighted the following points for and against if Members were mindful to approve:

- the cost to Breckland Council for drawing up the Policy
- suitable vehicles already existed in the Breckland area
- there had been no complaints thus far
- there could be cost implications to the drivers
- it would be helpful for the public to have an on-line list

The Chairman was of the opinion that Breckland Council should hold back and wait to see what other Councils did.

Councillor Brame proposed the second option - to do nothing and not enact the provisions of Sections 165, 166 and 167 of the Equality Act 2010, and to have this subject as an on-going item on future agendas.

The Chairman agreed but felt that a standing item was not necessary and it was agreed that an update could be requested at the November meeting.

RESOLVED that:

1. the provisions of Sections 165, 166 and 167 of the Equality Act 2010 not be enacted; and
2. an update be brought to the Licensing Committee meeting in November 2017.

The meeting closed at 12.00 pm

CHAIRMAN