



Leicester
City Council

WARDS AFFECTED
All

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing and Public Safety Committee**

5 March 2018

Differential Charging of Wheelchair-Dependent Passengers

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. To advise members of action taken by the Licensing Enforcement Team to ensure that wheelchair dependent passengers using Private Hire Vehicles are not discriminated against through the imposition of additional charges.

2. Recommendations

- 2.1. Members are asked to note the action taken to address discriminatory issues described.

3. Background

- 3.1. Whilst the Council has the authority to set fares in relation to Hackney Carriages, it has no corresponding control on the prices charged by Private Hire Vehicles. Therefore, Private Hire charges are generally determined by market forces.
- 3.2. However, this must be considered in the context of the Equality Act 2010 which imposes restrictions on vehicles that are designated as wheelchair accessible. This applies to both taxis and private hire vehicles.
- 3.3. From 6 April 2017 where a driver is using a vehicle that has been designated as wheelchair accessible then they are obliged to:
- transport wheelchair users in their wheelchair
 - provide passengers in wheelchairs with appropriate assistance
 - charge wheelchair users the same as non-wheelchair users

- 3.4. Leicester City Council is in the process of compiling the data required to publish a list of vehicle accessible vehicles.
- 3.5. Drivers of such designated vehicles found to be discriminating against wheelchair users will face fines of up to £1,000. Drivers may also face having their taxi or private hire vehicle (PHV) license suspended or revoked. Drivers unable to provide assistance for medical reasons will be able to apply for an exemption from the new requirements.

4 Recent Licensing Enforcement Intervention

- 4.1 As a result of media coverage within the East Midlands and customer complaints, the Licensing Enforcement Team have been made aware that wheelchair users that require a larger private hire vehicle were being charged an additional charge as a direct consequence of their disability.
- 4.2 The complaints specifically related to the private hire operators quoting the additional charge to the customer at the time of making the booking.
- 4.3 Within the last two months from the date of this report, there have been two complaints to the Licensing Enforcement Team that relate to two separate private hire operators quoting and subsequently charging a surcharge of £10 for the complainants journeys.
- 4.4 Upon speaking to the two holders of the private hire operator's licence, they both outlined that they thought they were able to set their own charges and that due to the type of vehicle required for wheelchair access that they would be allowed to charge a surcharge for the booking of this larger vehicle.
- 4.5 Given the Authority's enforcement policy of an incremental approach, it was determined to provide information and advice as the initial response.
- 4.6 A letter was sent to operators informing them of their obligations and importance of complying with the legislation. It also outlined the enforcement actions that would be taken if there were any further complaints or evidence that they had failed to heed the advice and had continued with that practice. The letter also signposted them to further information and guidance.
- 4.7 A copy of the content of these letters are attached as Appendix 1.
- 4.8 It is hoped that the provision of the information and guidance provided will prevent any further breaches in legislation, however to provide a reassurance, measures will be put into place to monitor compliance. If any breaches are detected then formal enforcement responses will be considered which may

include operators being referred to the Licensing Enforcement Sub-Committee to review the status of their Private Hire Operators Licence.

5 Financial, Legal and Other Implications

Financial Implications

5.1 There are no significant financial implications arising from this report.

Colin Sharpe, Head of Finance, ext. 37 4081

Legal Implications

5.2 Section 165-167 are the relevant sections in the Equality Act 2010. There are no legal implications arising from this report

John Moss, Solicitor - Legal Services

6 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	Yes	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

7 Background Papers

None

8 Consultations

None

9 Report Author

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Please ask for Mr. Tj Mavani
Direct line 0116 454 1747
Our ref: N.&ES./LIC./PHO./tm
Date ...

Urgent

Mr. Name
Name Taxis
4 Name Road
Leicester
LE1 NME

Dear Operator,

EQUALITY ACT 2010 – OVERCHARGING OF WHEELCHAIR-USERS

As you are aware, the Licensing Team has received reports from wheelchair-users of inflated charges quoted by staff at **NAME** Taxis. The surcharges relate to bookings of wheelchair accessible vehicles and this is deemed as direct discrimination under the Equality Act 2010.

Private hire operators may legally determine their own pricing structure. However, to charge a higher rate or impose additional fees in respect of wheelchair-users is both unlawful and contrary to the spirit of the Act.

You will recall discussing this point with Licensing Enforcement Officers when you were advised of the above points.

For your information, the legislation and guidance on this subject is contained in the Equality Act 2010.

Please note that such allegations are regarded as serious breaches of licence. Any further complaints may result in formal enforcement action, including referral of the operator's licence to the Licensing Enforcement Sub-Committee for review.

I trust the content of this letter clarifies the situation.

Yours faithfully,

Tj Mavani
Licensing Authority
Licensing Enforcement