

AUDIT AND CORPORATE GOVERNANCE (ACCESSIBLE TRANSPORT APPEALS) PANEL A

WEDNESDAY, 20 FEBRUARY 2019 AT 10.00 AM
COMMITTEE ROOM 2, CROWDALE CENTRE, 218 EVERSOLT STREET, LONDON,
NW1 1BD

Enquiries to: **Vinothan Sangarapillai, Committee Services**
E-Mail: **vinothan.sangarapillai@camden.gov.uk**
Telephone: **020 7974 4071 (Text phone prefix 18001)**
Fax No: **020 7974 5921**

MEMBERS

Councillors Richard Cotton (L), Alison Kelly (L) and Stephen Stark (C)

SUBSTITUTE MEMBERS

Councillors Flick Rea (LD), Lorraine Revah (L) and Roger Robinson (L)

L = Labour, C = Conservative, LD = Liberal Democrat, G = Green

Issued on: Tuesday, 12 February 2019

CROWDALE CENTRE FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, leave the building quickly and calmly by the nearest available exit. Do not stop to collect personal belongings. Fire exit doors are clearly marked and lead via the staircases to Crowndale Road or Eversholt Street.

Do not use the lifts. If you are a wheelchair user or have a mobility problem which prevents you from using the staircases, please proceed to the lift lobby area where you will be evacuated from the building.

Do not wait immediately outside the building – proceed to Oakley Square and await further instructions.

MEETINGS IN CAMDEN

Everyone is welcome to come to the public meetings in Camden and agendas for these meetings are available in advance on the Council's website at www.camden.gov.uk. If you are interested in a particular item being considered at a meeting and you wish to speak (called making a deputation), please write to the Committee Officer listed on the front of the agenda. The deadline for deputation requests for this meeting is **5pm on Monday, 18 February 2019**.

The Council is allowed to discuss some items in private, although this does not happen often – any such items will be discussed at the end of the meeting and you will be asked to leave at this point.

Members of the public have a right to film, record or photograph public meetings for reporting purposes. This does not apply to any of the Council's meetings which are private or not open to the public. Laws on public order offences and defamation still apply, and you should exercise your rights with responsibility. Please respect the views of others when reporting from a meeting.

You may be asked to stop filming, photographing or recording a meeting if the Chair feels that the activity is disrupting the meeting.

If you have any views or questions about meetings at Camden Council please call Committee Services on 020 7974 1915.

**AUDIT AND CORPORATE GOVERNANCE (ACCESSIBLE
TRANSPORT APPEALS) PANEL A
20 FEBRUARY 2019**

PLEASE NOTE THAT PART OF THIS MEETING MAY NOT BE OPEN TO THE PUBLIC AND PRESS BECAUSE IT MAY INVOLVE THE CONSIDERATION OF EXEMPT INFORMATION WITHIN THE MEANING OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972, OR CONFIDENTIAL WITHIN THE MEANING OF SECTION 100(A)(2) OF THE ACT.

AGENDA

Wards

Agenda Procedure Guidance Notes

- 1. APOLOGIES**
- 2. DECLARATIONS BY MEMBERS OF ANY PECUNIARY OR NON-PECUNIARY INTERESTS IN RESPECTS OF ITEMS ON THIS AGENDA**
- 3. ANNOUNCEMENTS**
- 4. NOTIFICATION OF ANY ITEMS OF BUSINESS THE CHAIR CONSIDERS URGENT**
- 5. MINUTES**

(Pages 21 -
24)

To approve and sign the public minutes of the meeting held on 13th September 2017.

6. LOCAL GOVERNMENT ACT (1972) - ACCESS TO INFORMATION

It is drawn to the attention of members that the papers listed below are considered to be exempt within the meaning of paragraph 1 of Schedule 12A to the Local Government Act 1972 (as amended). The Panel will be asked to pass the following resolution, the effect of which will be to exclude the public and press from the remaining part of the proceedings:

THAT the press and public be excluded from the proceedings of Accessible Transport Appeals Panel A during consideration of items 7 and 8 on the agenda on the grounds that it is likely, in view of the nature of the business to be transacted, that were members of the

public to be present, there would be disclosure of exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Specifically -

Publicity in respect of items 7 and 8 would be likely to lead to the disclosure of information relating to any individual by virtue of Category 1 of Schedule 12A of the Local Government Act 1972 (as amended).

7. PART II MINUTES

(Pages 25 -
28)

To consider the exempt part of the minutes of the meeting held on 13th September 2017.

8. APPEAL AGAINST THE DECISION OF THE EXECUTIVE DIRECTOR SUPPORTING PEOPLE NOT TO AWARD A FREEDOM PASS TO A

(Pages 29 -
78)

To consider the appeal of A against the decision of the Executive Director Supporting People not to award them a Freedom Pass.

This report contains information exempt within the meaning of Schedule 12A to the Local Government Act 1972 and is not for publication. This has therefore been circulated to Committee Members only.

9. ANY OTHER BUSINESS THE CHAIR DECIDES TO TAKE AS URGENT

AGENDA ENDS

GUIDANCE NOTES ON THE PROCEDURE FOR ACCESSIBLE TRANSPORT APPEALS PANELS

1. INTRODUCTION

- 1.1 This document sets out the procedure to be followed by the Audit and Corporate Governance (Accessible Transport Appeals) Panels (known as Accessible Transport Appeals Panels) at hearings for second stage appeals in relation to Disabled Person's Freedom Passes and Taxicards.
- 1.2 In this procedure 'the parties' include the appellant, their representative(s) and the officer(s) representing Camden Accessible Travel Solutions or any other person as applicable. 'The advisers' refer to the Independent Medical Adviser and the Legal Adviser.
- 1.3 The Council Procedure Rules and Access to Information Procedure Rules (in so far as they apply to committees and sub-committees) will be followed for all hearings.
- 1.4 The Panel may, in exceptional circumstances, vary this procedure.

2. PROCEDURE AT HEARINGS

- 2.1 The Accessible Transport Appeals Panel is not a court, and every effort is made to keep the proceedings as informal as possible. Cross-examination will not be permitted, though questions of clarification will.
- 2.2 It is important that the hearing follows a particular order, to make sure that all parties have a chance to be heard.
- 2.3 There are no time limits to any part of this hearing procedure, though for the information of all parties it is expected that a hearing will normally take 30 minutes in total.
- 2.4. If either or both of the parties are absent from the hearing the Panel may choose to hear the appeal in their absence or defer the appeal, with reference to any prior communication with the parties and advice from the clerk and advisers.

Chair's Introduction

- 2.3 The Chair will introduce those present at the meeting and outline the procedure to be followed, drawing attention to the criteria upon which the decision will be based and the independence of the Panel from the case.
- 2.4 The appellant will be asked to confirm that they have received the agenda containing the documents, which relate to their case.

Accessible Transport Officer's Case

- 2.5 A representative of the Executive Director Supporting People, who will normally be a member of the Stage 1 appeals panel, will outline the appellant's application and the reasons why their application and Stage 1 appeal has been refused, with reference to the appropriate documents.
- 2.6 Questions can then be put to the officer by the Panel, the advisers, and the appellant and/or their representative(s), in that order.

Appellant's Case

- 2.7 The appellant and/or their representative(s) will then be asked to present their case, outlining their reason for appealing against the Stage 1 appeal decision.
- 2.8 Questions can then be put to the appellant and/or their representative(s) by the Panel, the advisers, and Camden Accessible Travel Solutions officer, in that order.

Closing Remarks

- 2.9 Both parties will be asked if they have any final comments or questions, following which they will be asked to leave the room.

Deliberation

- 2.10 The Panel will deliberate in private and may ask advice of the Legal Adviser or the Independent Medical Adviser.
- 2.11 If deemed necessary the Panel may invite the parties back into the room to ask any further questions of clarification.

Decision

- 2.12 The Panel can decide in respect of each case to:
- Uphold the appeal;
 - Refuse the appeal;
 - Defer the appeal to seek further information.

Each decision will be made with reference to the criteria for the relevant accessible transport scheme.

- 2.13 The decision of the Accessible Transport Appeals Panel is binding on both parties.
- 2.14 The clerk of the Panel will confirm the decision with reasons in writing to all parties within 5 working days. Appellants may be invited to call the clerk after a certain time to receive the result of their appeal.

ENDS

FREEDOM PASS ELIGIBILITY CRITERIA

Statutory Criteria

Under Section 151(4) of the Transport Act 2000, seven criteria are defined for the issue of concessionary fares for disabled people (known as the Disabled Persons Freedom Pass in London).

An eligible disabled person is someone who:

- (a) is blind or partially sighted;
- (b) is profoundly or severely deaf;
- (c) is without speech;
- (d) has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on their ability to walk;
- (e) does not have any arms or have long-term loss of use of both arms;
- (f) has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning;
- (g) would, if they applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have their application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.

The Department for Transport has issued guidance on the interpretation of these criteria and this is reproduced in detail overleaf.

Department for Transport: 'Guidance to local authorities on assessing eligibility of disabled people in England for concessionary bus travel'

The below sections are taken from the Department for Transport's 'Guidance to local authorities on assessing eligibility of disabled people in England for concessionary bus travel' (version 1.2, April 2013). They are reproduced here to assist the Panel in making a determination and provide clarity to all parties on the basis on which a decision can be made.

The numbering of these sections, designed to help parties refer to it during a hearing, is not concurrent with the original guidance.

1. General criteria to be taken into account in determining entitlement

- 1.1. The categories of disabled person listed in the 2000 Act and the 1999 Act in relation to concessionary travel do not cover the full range of disabled people included within the Equality Act 2010 (EA) definition.
- 1.2. However, in line with the central principle of the EA definition, the types of disability which should enable people to claim the statutory minimum bus travel concession are those which are permanent, or which have lasted at least 12 months, or which are likely to last at least 12 months or are likely to recur (although the likelihood of an effect recurring may be disregarded in pre-agreed circumstances). This disability should have a substantial effect on a person's ability to carry out normal day-to-day activities.
- 1.3. It should not be necessary for the effect of the disability to be the same throughout the period - it may worsen or diminish at different times - but local authorities should nevertheless satisfy themselves that it will have (or be likely to have) such an effect throughout the period.
- 1.4. A person may have more than one disability which would cause them to be eligible for the concession.
- 1.5. The 2007 Act provides an entitlement to a concession against a full adult fare. It does not set age limits for recipients of this concession. It should therefore be taken to apply the concession to adults and to all disabled children and young people of fare-paying age.
- 1.6. In any application for a concessionary travel pass, the onus will be on the applicant to prove their entitlement.

2. Automatic Eligibility

- 2.1. The Department recommends that, where available, the most robust way of assessing eligibility is likely to be via other relevant state benefits.
- 2.2. Eligibility for a concessionary travel pass may be considered "automatic" (not requiring further assessment) where a person is in receipt of any of the

following state benefits, which link eligibility to receive the benefit to the ability to walk or, in the case of PIP, to communicate orally, provided that the person is of fare paying age and that the award of the benefit has been for at least 12 months or is expected to be for at least 12 months:

- a) Higher Rate Mobility Component of Disability Living Allowance (HRMCDLA);
- b) Personal Independence Payment (PIP), where the applicant has been awarded at least eight points against either the PIP "Moving around" and/or "Communicating verbally" activities;
- c) War Pensioner's Mobility Supplement (WPMS).

2.3. Eligibility may also be considered automatic where a disabled person of fare paying age has been issued with a disabled persons' parking badge ("Blue Badge"). It does not follow that a person who has a concessionary travel pass is necessarily eligible for a Blue Badge.

3. Disability Registration

3.1. For applicants outside the above categories, the Department recommends that the next most robust means of assessment is likely to be via local authority lists of registered blind, partially-sighted, or profoundly or severely deaf people. This is covered in more detail below. Where a person is registered with an authority outside their current area of residence, the local authority may wish to consider the desirability of contacting that authority as against other means of assessing eligibility.

4. Independent Medical Assessment

4.1. For other applicants, where there is any doubt about eligibility, the Department recommends that local authorities seek independent medical evidence to inform their decision. The cost of this should not be borne by the applicant.

4.2. Using an applicant's GP to verify that an individual meets the criteria for a concessionary travel pass is regarded as an unsatisfactory arrangement for both the GP and the administrators of the scheme. The main argument against this approach is that it compromises the doctor/patient relationship.

4.3. The Department strongly recommends that independent health professionals should undertake assessments in place of GPs. In the case of assessment of the inability to walk, for example, occupational therapists or physiotherapists are often best placed to assess eligibility due to their professional knowledge of mobility. Transferring assessment to such specialists implicitly suggests the importance of making judgements based on physical mobility rather than medical conditions.

4.4. Where, as a last resort, it is necessary to use a GP, the contact should be made direct by the authority, having secured the applicant's agreement, and

the GP should only be asked for answers to factual questions. They should not be asked for an opinion on whether someone meets the criteria.

5. The Seven Categories of Disability

- 5.1. There are seven categories of disabled person identified as eligible for concessionary bus travel in the 2000 Act. The same categories are reproduced in the 1999 Act, although that Act lists blind and partially sighted people separately.
- 5.2. The Department strongly recommends that when a local authority issues a concessionary travel pass to an eligible disabled person, the authority keep a record of the particular category of disability under which a person qualifies (as well as details of how the assessment was carried out and by whom). The Department also recommends that the local authority should consider the category of disability when setting the expiry date of the pass. This would reflect the fact that some disabilities are clearly permanent, whereas others may last for only a limited period. It may therefore be appropriate to consider setting an expiry date of one year, for example, where circumstances would suggest this is sensible. Authorities are encouraged to seek independent medical advice on this point.
- 5.3. Under the legislation, an eligible disabled person is someone who:

"(a) is blind or partially sighted"

- 5.4. 'Blind' means having a high degree of vision loss i.e. seeing much less than is normal or perhaps nothing at all. 'Partially sighted' is a less severe loss of vision. Partially sighted people can see more than someone who is blind, but less than a fully sighted person. Blind and partially sighted people can register with their local council. The register is held by the social services or social work department, or by a local voluntary agency, and is confidential.
- 5.5. For registration purposes, the term 'blind' now becomes 'severely sight impaired (blind)' and partially sighted becomes 'sight impaired (partially sighted)'. The formal notification required to register as "severely sight impaired" or "sight impaired" is a Certificate of Vision Impairment (CVI), signed by a Consultant Ophthalmologist (eye specialist). However, registration is voluntary. The individual should have a copy of their CVI and should be encouraged to register, if they have not already done so, as they may be entitled to various other benefits too.
- 5.6. In general terms a person can be registered as severely sight impaired (blind) if they cannot see (with glasses, if worn) the top letter of the eye test chart (used by doctors and opticians) at a distance of 3 metres or less. Some people who can read the top letter of an eye test chart at 3 metres, but not at 6 metres, may still be eligible for registration as blind if their field of vision is also severely restricted. Only being able to read the top letter at 3 metres is sometimes referred to as 3/60 vision: the person can see at 3 metres what a person with normal vision can see at 60 metres.

- 5.7. A person can be registered as sight impaired (partially sighted) if they have a full field of vision but can only read the top letter of the eye test chart at a distance of 6 metres or less (with glasses, if worn). However, if they can read the next three lines down at the same distance, but the field of vision is either moderately or severely restricted, they may still qualify for registration.
- 5.8. The Department advises that concessionary travel passes should be issued to people whose sight is so impaired that they would be able to register as severely sight impaired (blind) or sight impaired (partially sighted). Local authorities may, where a person is not on the local authority register, require evidence from an eye specialist, for example an optometrist, that the applicant would qualify to be registered as severely sight impaired (blind) or sight impaired (partially sighted). Advice on how to register can be found on the Royal National Institute of Blind People (RNIB) website at: <http://www.rnib.org.uk/registrationcard>

"(b) is profoundly or severely deaf"

- 5.9. Hearing loss is measured in decibels across the normal hearing spectrum, as dB HL (Hearing Level). People are generally regarded as having a severe hearing loss if it reaches 70-95 dB HL and a profound loss if it reaches 95+ dB HL. The Department advises that the statutory minimum concession should be made available to people in these categories.
- 5.10. There is no statutory registration system for deaf people. However, many will be registered on a voluntary basis with their local authority social services department. The register is open to people who have varying degrees of hearing loss, so in checking the register a local authority is advised to check that the applicant is profoundly or severely deaf before issuing a national concession bus pass.
- 5.11. As in the case of blind and partially sighted people, local authorities may, where appropriate, require applicants to provide evidence of registration before issuing a pass, or evidence that they could register, for example, an audiological report, or a report from an aural specialist.

"(c) is without speech"

- 5.12. Included within this category are people who are unable to communicate orally in any language. Those people will be:
- a) unable to make clear basic oral requests e.g. to ask for a particular destination or fare;
 - b) unable to ask specific questions to clarify instructions e.g. 'Does this bus go to the High Street?'
- 5.13. This category would not, in the Department's opinion, cover people who are able to communicate orally but whose speech may be slow or difficult to understand, for example because of a severe stammer.

5.14. In considering an application on these grounds the local authority may accept receipt of PIP, with a score of at least eight points for the "Communicating verbally" activity, as providing an automatic entitlement to the Concession. Further detail on passporting eligibility from PIP, including details of the descriptors indicating an award of eight points or more, is provided at Annex A. Alternatively, where PIP has not been applied for, or where insufficient points have been awarded, authorities may reasonably require medical evidence to support the application.

"(d) has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk"

5.15. To qualify under this category, a person would have to have a long term and substantial disability that means they cannot walk or which makes walking very difficult.

5.16. It is envisaged that passes will be issued to people who can only walk with excessive labour and at an extremely slow pace or with excessive pain. Their degree of impairment should be at comparable level to that described in the "Guidance on assessing ability to walk" box below. Where an applicant has been awarded PIP, with an award of eight points or more for the "Moving around" activity, or the Higher Rate Mobility Component of Disability Living Allowance (HRMCDLA), a relevant benefit award letter may be accepted as evidence of an automatic entitlement to the travel concession (see Annex A for details). Where the specified rates of PIP or DLA have not been awarded, or where these benefits have not been applied for, applicants may still be found eligible if assessed using the criteria below:

Guidance on assessing ability to walk

"(i) they cannot walk or..."

Being unable to walk means that they cannot take a single step.

They need to show that because of their disability they cannot put one foot in front of the other.

Walking involves always having one foot on the ground.

If their only way of getting about is to swing through crutches then they will be considered unable to walk.

"(ii) ...they are virtually unable to walk, or..."

They will need to show that they are unable to walk very far without experiencing severe discomfort.

Discomfort can mean either pain or breathlessness. Extreme fatigue and stress may also be taken into account. It has been accepted that discomfort is subjective and

that some people have higher pain thresholds than others.

Unless both legs are missing then they will need to show that they experience severe discomfort even when using an artificial aid. When deciding whether they are virtually unable to walk the following factors should be taken into account:

- the distance over which they can walk without experiencing severe discomfort
- the speed at which they can walk
- the length of time for which they can walk
- the manner in which they can walk

If they can only walk up to 27 metres without severe discomfort then they will qualify for the statutory concession.

If they can only walk between 27 and 64 metres without severe discomfort then it is likely that they will qualify for the statutory concession.

If they can walk more than 64 metres without severe discomfort then they will need to show that the other three factors mean that they are virtually unable to walk. For example, if they can show that it takes them five minutes to walk 100 metres, they should qualify for the statutory concession.

As a guide, the average person can walk the following in a minute:

- 90 metres at a brisk pace
- 60-70 metres at a moderate speed
- 40-50 metres at a slow pace
- 30-40 at a very slow pace

It does not matter whether the severe discomfort occurs at the time of their walk or later. What counts is that the discomfort is a direct result of their attempt to walk.

"(iii) The exertion required to walk would "constitute a danger to their life or would be likely to lead to a serious deterioration in their health."

The test here is whether the exertion required to walk would constitute a danger to their life or whether it would be likely to lead to a serious deterioration in their health.

They need to show that they should not walk very far because of the danger to their health.

This criterion is intended for people with serious chest, lung or heart

conditions.

Some people with haemophilia may also qualify for the statutory concession in this way.

The serious deterioration does not need to be permanent but it should require medical intervention for them to recover.

They will need to show that any danger to their health is a direct result of the physical effort required to walk.

People with epilepsy will need to show that any fits were brought about by the effort required to walk.

5.17. In all cases, entitlement depends on the applicant's difficulty in walking and considerations, such as difficulty in carrying parcels, are not to be taken into account.

5.18. The fact that a walking aid is or is not used may be relevant to the eventual decision, but these alone should not determine whether or not a person qualifies. For example, if a person can walk relatively normally with the use of an artificial leg, then they should not be considered eligible. Alternatively, a person who can only swing through on crutches could be considered eligible, as they would be seen as having considerable difficulty walking (provided it is due to a long term disability and not due to legs being in plaster).

5.19. The Department advises that the authority should normally require medical evidence to support the claim that the applicant's walking ability is long term and substantially impaired.

"(e) does not have arms or has long-term loss of the use of both arms"

5.20. This category includes people with a limb reduction deficiency of both arms; bilateral upper limb amputation; muscular dystrophy; spinal cord injury; motor neurone disease; or a condition of comparable severity.

5.21. In the Department's opinion, it also covers both people with deformity of both arms, and people who have both arms, if in either case they are unable to use them to carry out day-to-day tasks, for example, paying coins into a fare machine. In these latter cases the Department advises that a local authority should normally require independent medical evidence to support the application.

"(f) has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning"

5.22. A person with a learning disability has a reduced ability to understand new or complex information, a difficulty in learning new skills, and may be unable to cope independently. These disabilities must have started before adulthood and

have a lasting effect on development. The person should be able to qualify for specialist services and he or she may have had special educational provision.

5.23. The Department of Health adopted the term 'learning disability' in 1992. It has the same meaning as its predecessor 'mental handicap' but it is seen as more acceptable, particularly in reducing the confusion with mental illness.

5.24. In determining eligibility in a case where there has been no previous contact with specialist services a local authority should normally require independent medical advice, or check any register of people with learning disabilities which might be held by the Social Services Department of the applicant's local council.

"(g) would, if he applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol."

5.25. Under Section 92 of the Road Traffic Act 1988 the Secretary of State may refuse to issue a driving licence on the grounds of the applicant's medical fitness. Those who are currently barred from holding a licence are people with:

- a. epilepsy (unless it is of a type which does not pose a danger - see below);
- b. severe mental disorder;
- c. liability to sudden attacks of giddiness or fainting (whether as a result of cardiac disorder or otherwise);
- d. inability to read a registration plate in good light at 20.5 metres (with lenses if worn);
- e. other disabilities which are likely to cause the driving of vehicles by them to be a source of danger to the public.

5.26. It will be seen that specific reference is made to people who persistently misuse drugs or alcohol. Those people are not covered by the definition of 'disabled person' under the 2000 Act and are thus not entitled to the statutory minimum travel concession.

5.27. It is not a condition of entitlement under this category that the disabled person should apply for and be refused a driving licence (which would be unduly burdensome for everyone involved). If, for people with any of the disabilities (b) - (d) listed above, the local authority can be confident that a licence would be refused it should therefore be able to issue the travel pass automatically. For (a) epilepsy - the bar is not automatic and depends on the circumstances.

5.28. The Motor Vehicles (Driving Licences) (Amendment) Regulations 2013 (SI 2013/258) permit the grant of a driving licence to a person with epilepsy if that person meets a number of conditions concerning the type and frequency of their seizures.

5.29. There are a number of categories of "severe mental disorder" under which people may qualify. Authorities will need to assess individuals on a case-by-case basis as eligibility may depend on the severity of the condition. Such conditions include (but are not limited to) dementia (or any organic brain syndrome); behaviour disorders (including post head injury syndrome and Non-Epileptic Seizure Disorder); and personality disorders.

5.30. Other groups include:

- a. People with restricted visual fields, who will be refused a licence if they do not have a horizontal field of vision of at least 120 degrees, or if they have significant scotoma encroaching within 20 degrees of the central fixation point in any meridian or, sometimes, if they have restricted vertical fields of vision; and
- b. People with insulin-dependent diabetes: In general people with insulin dependent diabetes can continue to drive - though their licence may be renewable on a 1, 2, or 3-yearly basis. However, where the person experiences disabling hypoglycaemia they will be prevented from driving until their diabetes is controlled.

5.31 The above list is not comprehensive. Any person with a cardiac, locomotor, renal or neurological disorder might qualify. Where there is doubt about whether someone would be refused a driving licence, the local authority is strongly advised to seek independent medical advice.

TAXICARD MEMBERSHIP CRITERIA

The basic criterion for membership of the Taxicard scheme is **the inability to use public transport**, either at any time, or at certain times because of a disability that renders an individual unable to use public transport. **Permanent residence** in the borough of Camden is required and must be proved through official documentation. Membership of the scheme is not available to visitors or temporary residents. People living in other London boroughs should apply to the borough in which they live.

This basic criterion, however, is not all-embracing. Certain categories of disability are not eligible, namely:

- Disabilities which do not affect physical mobility but which make public transport logistically difficult to use, or which are of a psychological nature, e.g., phobias, learning difficulties, mental illness.
- Speech or hearing impairments.
- Where the disability cannot be said to cause greater transport disadvantage to an individual beyond that suffered by a particular group of people, e.g., very young children, who all need to be escorted or carried onto public transport, or vulnerable people, (physically or otherwise).
- Temporary conditions (less than 2 years) for which adequate recovery is expected, e.g., a broken leg, an operation for hip joint/knee replacement.

Applicants will qualify automatically for the scheme if they:

- Receive the higher rate mobility component of the Disability Living Allowance
- Receive a War Pensioner's Mobility Supplement
- Are registered blind or partially sighted through possession of a BD8, or certification with Camden Social Services.

Applicants who do not qualify automatically

The majority of applicants will not qualify by the means described above, but by a medical report and an appointment with the Council's Occupational Therapist to ensure the scheme's eligibility criteria are met.

A medical report (TC1) is included as part of the application form and must be completed and signed by the applicant's General Practitioner or Consultant and stamped with the official practice stamp. An appointment with the Occupational Therapist will be arranged on receipt of the application form. The applicant will receive details of the appointment date and time by post.

The application form asks for details of the applicant's disability, the length of time the applicant has suffered from the disability, and how it prevents use of public transport.

If the applicant does not provide this information, or does not provide it in sufficient detail, the Council may wish to make further enquiries.

The purpose of this procedure is to ensure consistency and fairness in the application of the criteria. It provides an opportunity for the applicant to demonstrate that s/he is unable to use public transport and is rightly entitled to a Taxicard.

- **Please note, the economic circumstances of an applicant is not a relevant consideration, and therefore does not form part of the criteria.**

LEGAL COMMENTS OF THE BOROUGH SOLICITOR

In determining appeals for Freedom Passes and Taxicards, the Panel should only have regard to the eligibility criteria as set out in the Transport Act 2000 and relevant guidance thereto as are set out above.

Equality Act 2010

The guidance above makes reference to the Equality Act 2010, which must also be borne in mind by the Panel. The Equality Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers. In particular, the Panel must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Human Rights Act 1998

The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. Decisions are actions of a public authority and must be compatible with Convention rights. Consequently, Members of the Panel must be aware of the rights contained in the Convention (particularly those set out below) when making decisions.

a) Article 6: Right to a fair trial

In the determination of his civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

b) Article 8: Right to respect for private and family life

Everyone has a right to respect for his or her private life, his home and correspondence.

c) Article 10: Freedom of Expression

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

d) Article 14: Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social

FINANCE COMMENTS OF THE EXECUTIVE DIRECTOR CORPORATE SERVICES

All decisions relating to the award of Disabled Person's Freedom Passes and Taxicards should be based on an assessment of entitlement against the statutory criteria rather than any financial consideration. However, while the Council has made budgetary provision for these awards, it is essential that only those applicants whose transport needs meet the criteria are funded by the Council in order to avoid unwarranted financial pressures. The 'Accessible Transport' budgets are monitored and reported upon by Finance Support Team and the service with the expectation that any overspends, should they arise, are managed within the service in the first instance.

THE LONDON BOROUGH OF CAMDEN

At a meeting of **AUDIT AND CORPORATE GOVERNANCE (ACCESSIBLE TRANSPORT APPEALS) PANEL A** held on **WEDNESDAY, 13TH SEPTEMBER, 2017** at 10.30 am in Committee Room 3A, Town Hall, Judd Street, London WC1H 9JE

MEMBERS OF THE PANEL PRESENT

Councillors Alison Kelly (Chair) and Leila Roy

MEMBERS OF THE PANEL ABSENT

Councillor Siân Berry

The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of Audit and Corporate Governance (Accessible Transport Appeals) Panel A and any corrections approved at that meeting will be recorded in those minutes.

MINUTES

1. APOLOGIES

An apology for absence was received from Councillor Siân Berry.

2. DECLARATIONS BY MEMBERS OF ANY PECUNIARY OR NON-PECUNIARY INTERESTS IN RESPECTS OF ITEMS ON THIS AGENDA

Councillors Alison Kelly and Leila Roy both declared for transparency that they held Freedom Passes.

3. ANNOUNCEMENTS

There were none.

4. NOTIFICATION OF ANY ITEMS OF BUSINESS THE CHAIR CONSIDERS URGENT

There was no urgent business.

5. MINUTES

RESOLVED –

THAT the public part of the minutes of the meeting held on Wednesday 7th June 2017 be approved and signed as a correct record.

6. LOCAL GOVERNMENT ACT (1972) - ACCESS TO INFORMATION

RESOLVED –

THAT the press and public be excluded from the proceedings of the Accessible Transport Appeals Panel A during consideration of items 7 and 8 on Part II of this agenda on the grounds that it is likely, in view of the nature of the proceedings, that were members of the public to be present there would be disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Specifically publicity in respect of items 7 and 8 would be likely to lead to the disclosure of information relating to any individual.

7. PART II MINUTES

RESOLVED –

THAT the private part of the minutes of the meeting held on Wednesday 7th June 2017 be approved and signed as a correct record.

8. APPEAL AGAINST THE DECISION OF THE EXECUTIVE DIRECTOR SUPPORTING PEOPLE NOT TO AWARD A TAXICARD TO A

Consideration was given to the appeal of A against the decision of the Executive Director Supporting People not to award them a Taxicard.

RESOLVED –

THAT the appeal be rejected.

Reasons

The Panel was of the view that, based on the evidence before it, the appellant did not meet the criteria for the award of a Taxicard.

*Audit and Corporate Governance (Accessible Transport Appeals) Panel A -
Wednesday, 13th September, 2017*

9. ANY OTHER BUSINESS THE CHAIR DECIDES TO TAKE AS URGENT

There was none.

The meeting ended at 10:54.

CHAIR

Contact Officer: Dan Rodwell
Telephone No: 020 7974 5678
E-Mail: dan.rodwell@camden.gov.uk

MINUTES END

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank