

Equality Act: Taxis, Private Hire Vehicles and Driver Requirements

1. Introduction

To provide better services for disabled people, the Council endorses the provisions of the Equality Act 2010. We want to ensure that passengers with wheelchairs or assistance dogs receive lawful treatment and have the same access to public transport services, confident of receiving the assistance they need to travel safely.

This policy applies to all licensed wheelchair accessible hackney carriages (taxis), private hire vehicles and drivers. A licensed driver with a health condition that prevents them undertaking the requirements placed upon them by the Equality Act 2010, with respect to the carriage of passengers in wheelchairs and assistance dogs, must apply for an exemption.

2. List of designated wheelchair accessible vehicles

To ensure that wheelchair passengers are better informed about the accessibility of the taxi and private hire vehicle fleet within the Maldon District, the Council publishes a list of designated taxis or private hire vehicles which can take passengers in their wheelchairs. To be placed on the list, vehicles must be capable of carrying some, but not necessarily all, types of occupied wheelchairs. Vehicles shall only be included if it is possible for a wheelchair passenger to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

There is a right of appeal within 28 days to a magistrates' court against a decision to place a vehicle on the published designated list.

3. Equality Act 2010

3.1 Wheelchair users

The Act places duties on drivers of designated wheelchair accessible taxis and private hire vehicles to: -

- carry the passenger while in the wheelchair;
- carry their wheelchair should the passenger choose to sit in a passenger seat;
- not make any additional charge for doing so;
- take any necessary steps to ensure that the passenger is carried in safety and reasonable comfort;
- give the passenger such mobility assistance as is reasonably required to: -
 - enable the passenger to get into or out of the vehicle, including in the wheelchair if they wish to remain in it;
 - load the passenger's luggage into or out of the vehicle;
 - load the wheelchair into or out of the vehicle if the passenger does not wish to remain in the wheelchair.

3.2 Assistance dogs

The Act places duties on drivers of taxis and private hire vehicles to: -

- carry a passenger's (guide, hearing or assistance) dog, allowing the dog to remain with the passenger;

- not make any additional charge for doing so.

3.3 Exemption certificates and notices

The Act allows the Council to exempt taxi and private hire drivers from their duties on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with their duties.

If satisfied that a driver is unable to carry out their duties, an Exemption Notice will be issued, this must be prominently displayed in the vehicle.

3.4 Offences

It is an offence for a driver of a designated wheelchair accessible taxi or private hire vehicle to refuse to carry a passenger in a wheelchair if on the Council's published designated list. It is also an offence not to comply with any of the duties placed upon them as set out in section 3.1 above.

It is an offence for a licensed driver or private hire operator to refuse a hire/booking by or on behalf of a disabled person who is accompanied by an assistance dog (or by another person who wishes to be accompanied by a disabled person with an assistance dog) because of the assistance dog.

It is an offence for drivers not to comply with the duties placed upon them as set out in section 3.2 above.

It is an offence for private hire operators to make an additional charge for carrying an assistance dog whilst accompanying a disabled person.

3.5 Defences

It is a defence if a driver has a valid exemption certificate and is displaying a valid exemption notice. It is also a defence if the vehicle can't carry larger or heavier wheelchairs safely. Religious or cultural beliefs cannot be cited as a reason for refusal to carry assistance dogs.

If a complaint of discrimination is substantiated, the Council may suspend or revoke a driver's licence or a private hire operator's licence.

4. Exemption certificates

4.1 Medical

In some circumstances, a taxi or private hire driver may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons (in the short or long term). The Council can grant an exemption to drivers from duties to assist passengers in wheelchairs or to transport assistance dogs. The Council must be satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with their duties.

There are no exemptions, medical or otherwise, for a driver in respect of conveying a reasonable quantity of luggage or providing reasonable assistance in the loading and unloading of luggage.

4.2 Obtaining an exemption certificate

Drivers considering applying for an exemption in relation to the carriage of passengers in wheelchairs may wish to first determine whether the vehicle they drive (or may drive in the future) has been designated as wheelchair accessible.

To check which vehicles have been designated as wheelchair accessible, please check with the hackney carriage proprietor or the private hire operator.

The licensed driver must obtain a letter from their General Practitioner (G.P.) explaining what duties the driver: -

- cannot undertake;
- why the duties cannot be undertaken; and
- for how long the duties cannot be undertaken.

The letter must be submitted to the Council along with a completed application. There is no fee attached to this process, however, the cost of obtaining the letter from the driver's G.P. or subsequent medical examinations or consultations must be paid for by the applicant.

If the G.P.'s letter states that the driver is unfit to carry passengers in wheelchairs and/or assistance dogs for a specified period (maximum of 3 months), a temporary 'Exemption Notice' will be issued. The expiry date will be in line with the information provided the G.P.'s letter. If the length of time is not specified, the Council will reject the application.

If the G.P.'s letter is not clear or is ambiguous in any way, the matter will be referred to the Licensing Sub-Committee for consideration. If a Committee is convened, the applicant will be invited to attend and explain the nature of the exemption request and the matter will be determined by Members of the Committee.

When the Exemption Notice expires, drivers will be deemed fit to undertake all duties and the Exemption Notice must be returned to the Council within 7 days. If it is not returned within this period, the driver's licence may be suspended until the Exemption Notice is returned and the matter will be referred to the Licensing Sub-Committee.

If the driver requires the Exemption Notice to be extended, the driver must contact the Council to discuss the next steps and timescales. The driver is strongly advised to make contact at the earliest opportunity so that an extension can be arranged before the expiry of the Exemption Notice.

The driver must contact their G.P. to arrange for an in-depth medical report. An appointment must then be made with a medical practitioner approved by the Council to present the G.P.'s report and to undergo an examination/consultation. The practitioner will complete a statement of fitness based on the applicant's ability to undertake the duties on medical grounds and/or physical condition, and, if unable to do so, how long for.

5. Outcome

If the statement of fitness confirms that the driver can undertake the duties, the Exemption Notice must be returned to the Council and the driver will be expected to resume normal duties. If the Exemption Notice is not returned to the Council, the driver's licence may be suspended until the Notice is returned and the matter will be referred to the Licensing Sub-Committee.

If the statement of fitness confirms that the driver can undertake duties with reasonable adjustments, a further Exemption Notice (maximum 3 months) may be issued. Within that time, the driver will undertake reasonable adjustments to allow a return to normal duties. On expiry of the Exemption Notice, it must be returned to the Council and the driver will be expected to resume normal duties. If the Exemption Notice is not returned to the Council, the driver's licence may be suspended until the Notice is returned and the matter will be referred to the Licensing Sub-Committee.

If the statement of fitness confirms that the driver is unfit to carry passengers in wheelchairs and/or assistance dogs, an Exemption Notice will be granted for the length of time as determined by the approved practitioner. The driver will then be expected to attend a further examination/consultation with the approved practitioner prior to the expiry date of the Exemption Notice.

If the driver is declared permanently unfit to carry passengers in wheelchairs and/or assistance dogs, an Exemption Notice will be issued. The exemption may be reviewed every 5 years and further medical evidence may be required.

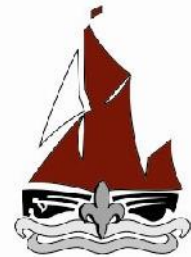
6. Dispute Resolution

If a driver does not agree with the Council's decision, he/she can appeal the decision through the Magistrates' court within 28 days from the date of refusal.

Application for an exemption certificate

MALDON DISTRICT COUNCIL

Princes Road
Maldon
Essex CM9 5DL



Surname:	
First Name(s):	
Title: Miss, Mrs, Ms, Mr, Other	
Address:	
Postcode:	
Tel. No:	Mobile No:
Date of birth:	
Driver licence number:	Expiry date:

I request that the Council considers granting me an exemption from the following, TICK the appropriate box(es):

Carrying wheelchair users

Carrying assistance dogs

G.P. details

Name of G.P.: _____

Practice name and address of G.P.: _____

Tel. No. of G.P.: _____

Brief details of why the request for medical exemption is being made: _____

To be completed by the applicant

I declare that the answers given above are true. I understand that if I have made any omissions or statements I know to be false, my application may be refused. I have read the Council's policy in relation to exemption certificates.

Signed: Dated: / /

You may render yourself liable to prosecution for an offence if you fail to comply with licensing conditions, the law (including the Equality Act 2010) and exemption certificates and notices.

(The Council is under a duty to protect the public funds it administers and it may use the information you have provided on this form for the prevention or detection of fraud. It may share this information with other bodies responsible for auditing and administering public funds for these purposes.)

Once completed, please return the application form with the relevant documentation to:
Maldon District Council, Princes Road, Maldon CM9 5DL.

If you have any enquiries, contact Licensing by emailing licensing@maldon.gov.uk.

		Checklist
Application form completed		
G.P.'s letter (cost borne by the applicant)		
For office use only		
Date medical exemption application received:		
Exemption agreed	<input type="checkbox"/>	
Exemption refused	<input type="checkbox"/>	
If exemption refused, give reasons and details of any further action taken (have you notified the driver who has a right of appeal within 28 days of notification of refusal):		
Signed:		Dated: / /
Date Temporary Exemption Notice Issued:		
Date of Expiry:		
Entered on to Uniform		By: