



REPORT of CHIEF EXECUTIVE

**to
PLANNING AND LICENSING COMMITTEE
16 NOVEMBER 2017**

TAXI AND PRIVATE HIRE MEDICAL EXEMPTION POLICY

1. PURPOSE OF THE REPORT

- 1.1 To consider a policy for the exemption of taxi and private hire drivers from the duties placed upon them by the Equality Act 2010.
- 1.2 To consider an amendment to the taxi and private hire licensing conditions to take account of the new duties placed upon drivers of designated wheelchair accessible vehicles.

2. RECOMMENDATIONS

To the Council:

- (i) that the policy for the exemption of taxi and private hire drivers from the duties placed upon them by the Equality Act 2010 (**APPENDIX 1**) is endorsed;
- (ii) that the amendments to the taxi and private hire licensing conditions (as set out in paragraph 3.1.6 below) are agreed.

3. SUMMARY OF KEY ISSUES

3.1 Equality Act 2010

3.1.1 The Equality Act 2010, section 167, gives the Council the power to make a list of wheelchair accessible vehicles (designated vehicles). Members agreed to the publication of such a list at a Committee meeting on 13 June 2017.

3.1.2 The Equality Act 2010, section 165, places duties on drivers of designated wheelchair accessible vehicles to:

- carry the passenger while in the wheelchair;
- carry their wheelchair should the passenger choose to sit in a passenger seat;
- not to make any additional charge for doing so;
- take such 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.
- 3.1.3 The requirements of section 165 of the Act do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. Section 166 of the Act allows the Council to exempt drivers on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with their duties.
- 3.1.4 Procedures need to be in place to deal with applications for exemption based on medical grounds. A policy (**APPENDIX 1**) will assist Officers and Members when considering and determining applications for exemptions. A policy gives customers information and transparency about the process. It also ensures that applicants are treated fairly and consistently when decisions are being made regarding their application for exemption.
- 3.1.5 The taxi and private hire licensing conditions state the following:
- ‘The driver shall on request carry free of charge Guide Dogs, Hearing Dogs or any other ‘assistance dogs’ as specified in section 37 of the Disability Discrimination Act 1995’.
- 3.1.6 It is proposed that the condition is amended to reflect the Equality Act 2010 and the duties placed upon drivers of designated wheelchair accessible vehicles by amending the above condition to:-
- ‘The driver shall carry a disabled person’s dog (e.g. guide or hearing dogs) and allow it to remain with that person or, if a driver of a designated wheelchair accessible vehicle, wheelchair passengers at no additional cost, as specified in sections 165 and 168 of the Equality Act 2010, unless exempted by the Council on medical grounds’.

4. CONCLUSION

- 4.1 A policy will assist Officers and Members when determining medical exemption applications. It informs the public about the process, offering transparency around the Council’s decisions. It ensures that applicants are treated consistently and fairly.

5. IMPACT ON CORPORATE GOALS

- 5.1 The licensing function plays a key role in delivering the corporate goal of helping communities to be safe, active and healthy. A policy will ensure transparency and consistency of decision making. It allows drivers who are unable to undertake duties placed upon them by the Equality Act 2010 on medical grounds to be exempt, allowing them to continue working and remaining active without being in breach of

the law or subject to complaint and prosecution. Also, by only allowing taxi and private hire drivers exemptions on medical grounds, it gives disabled passengers access to a mode of transport with the mobility assistance they require, enabling them to be safe, active and healthy.

6. IMPLICATIONS

- (i) **Impact on Customers** – A policy will help ensure that applicants are treated fairly and consistently whilst ensuring disabled people are offered sufficient assistance when using wheelchair accessible taxi or private hire vehicles.
- (ii) **Impact on Equalities** – Implementation of the Equality Act 2010 by the Council in relation to designated wheelchair accessible vehicles will assist disabled customers by ensuring that they receive the assistance they require from taxi and private drivers when choosing to travel by this mode of public transport.
- (iii) **Impact on Risk** – There may be some reputational damage if licence-holders are treated differently and a policy provides information and ensures transparency of process. There may also be some reputational damage from disabled groups if the Council does not promote or implement the Equality Act 2010: there have already been several Freedom of Information (FOI) requests around this subject.
- (iv) **Impact on Resources (financial)** – It would help avoid any civil claims if an applicant felt they had been treated unfairly. Likewise, it can help protect the Council from any complaints or challenges from disabled groups for non-implementation of the Equality Act 2010.
- (v) **Impact on Resources (human)** – A policy should assist officers and Members when making decisions and it may avoid resources being spent on replying to complaints and challenges.
- (vi) **Impact on the Environment** – None.

Background Papers:

Equality Act 2010.

Secretary of State's statutory guidance, 'Access for wheelchair users to Taxis and Private Hire Vehicles: Statutory Guidance: Moving Britain Ahead' published by the Department for Transport'.

Maldon District Council's Licensing Conditions.

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