

Appendix 2

Procedure Number:

Policy – Medical Exemption – support for wheelchair users

Disabled people (including wheelchair users) have important rights under the Equality Act 2010, which consolidates and replaces previous discrimination legislation. The Act places a duty on Hackney Carriage and Private Hire drivers to carry and support wheelchair users (in the form of “mobility assistance”) at no extra cost. The legislation allows for drivers that cannot meet these obligations to carry a certificate of exemption confirming they have permission to refuse on medical grounds.

The relevant legislation is set out in sections 165 and 167 of the Equality Act 2010. Section 167 of the Act provides licensing authorities with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then requires the drivers of those vehicles to carry passengers in wheelchairs; to provide assistance to those passengers; and prohibits them from charging extra for their services.

Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and private hire vehicles. The duties are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such “mobility assistance” as is reasonably required.

The Act goes on to define “mobility assistance” as assistance:

- to enable the passenger to get into or out of the vehicle;
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair; to load the passenger’s luggage into or out of the vehicle; and
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Any driver licensed with South Ribble Borough Council who wishes to apply for a medical exemption from the above requirements should follow the procedure set out below:

- i) An applicant must complete the application form for a medical exemption, supplying all relevant information (including that required from a medical professional);

- ii) Any fee to be charged by a medical professional for completion of the appropriate form must be borne by the applicant and not this authority;
- iii) Upon receipt of the completed application, South Ribble Borough Council will consider the request;
- iv) Should the application be granted, the Council will issue (i) a letter / certificate confirming the granting of the exemption and (ii) a notice which the driver must display in the vehicle during all his / her working hours; and
- v) A granted application will be valid for no longer than a 12 month period, after which time it will expire and a new application will need to be submitted by the driver.

Drivers whose application for an exemption is refused by South Ribble Borough Council may appeal to the Magistrates Court against this decision.

This Policy was adopted by General Licensing Committee on XX XXXX 2017

Signed:

A handwritten signature in black ink, appearing to read 'A. Glover', enclosed within a thin black rectangular border.

Interim Licensing Manager

XX XXXX 2017