



**Report of the Divisional Officer
Licensing, Food & Safety
General Licensing Committee
13th April 2018**

**Equality Act 2010 –
Approval Arrangements for Medical Exemptions**

1.0 Purpose of the Report

- 1.1 Members have requested that consideration should be made by the General Licensing Committee in respect of the approval of future applications for medical exemptions from carrying passengers in wheelchairs.

2.0 Background

- 2.1 As Members will recall, a report was considered by the General Licensing Committee on 8th September 2017 outlining the new duties imposed on the Licensing Authority as a result of commencement of Sections 165 and 167 of the Equality Act 2010.
- 2.2 Section 165 of the Act places a legal requirement on drivers of all licensed hackney carriage and private vehicles, which are wheelchair accessible, to carry passengers in wheelchairs, provide assistance to those passengers, and prohibits them from charging extra for the fare.
- 2.3 Section 167 of the Act provides Local Authorities with powers to publish a list of "designated vehicles" i.e. hackney carriage and private hire vehicles that are wheelchair accessible. The Council does not have to publish a list, however the Government strongly suggest that they do so and the responsibility imposed on drivers (outlined above) does not take effect until the Licensing Authority publishes such a list. The Council currently has in place conditions and byelaws which require drivers to assist passengers with reasonable amounts of luggage, to give reasonable assistance and also to take a disabled person with a guide, hearing or other assistance dog unless they have a medical exemption.
- 2.4 Following Members consideration it was agreed that the Council publish a list of designated vehicles. The list is now available on the Council's website and is updated on a monthly basis.

- 2.5 In addition, every licensed driver was sent a letter to inform them of the new duties placed upon them and given the opportunity to request a medical exemption from carrying persons using wheelchairs, with medical evidence to support their request.

3.0 Current Procedure

- 3.1 Currently any request for an exemption on medical grounds is referred to the General Licensing Committee for decision and due to the reporting timescales some requests can take 6 to 8 weeks to be determined.
- 3.2 At the meeting of 9th March 2018, Members requested a report to enable them to consider a review of the existing process, in particular whether medical exemption requests that were time limited could be determined by Officers of the Licensing Section on behalf of the General Licensing Committee.

4.0 Proposed Procedure

- 4.1 In view of the request by Members it is proposed that where time limited medical exemption requests are made by drivers and supporting information is satisfactory that the request is approved by Officers on behalf of the General Licensing Committee.
- 4.2 If there are queries in respect of a request or where the supporting documentation is not satisfactory, Licensing Officers will refer the request to the General Licensing Committee for decision.
- 4.3 All requests for a medical exemption that are not time limited will be referred to the General Licensing Committee for decision.

5.0 Recommendation

It is recommended that:

- 5.1 Members approve the proposals set out in paragraph 4 to this report and authorise Officers to approve medical exemption certificates as follows:
- a) Where time limited requests are made by drivers and supporting documentation is satisfactory be granted by Officers on behalf of the General Licensing Committee; and

b) If there are queries in respect of a request or where the supporting documentation is not satisfactory, Licensing Officers will refer the request to the General Licensing Committee for decision;and

c) All requests for a medical exemption that are not time limited will be referred to the General Licensing Committee for decision.

The Licensing Committee's instructions are requested.

Background Papers:	None
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