

CITY OF PLYMOUTH

Subject: Licensed Hackney Carriage Driver Applications for Wheelchair Exemptions Statistics

Committee: Taxi Licensing Committee

Date: 23 February 2012

Cabinet Member: Councillor Jordan

CMT Member: Director for Place

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Ref: ERS/LIC/GC/-

Key Decision: No

Part: I

Executive Summary:

On 26 January 2012, Members were asked to consider granting an exemption for drivers carrying wheelchair users in Hackney carriages. Members had concerns over the numbers of similar applications made over recent months. This report details numbers of exemptions granted and gives a brief outline of exemptions granted over certain periods of time since the adoption of the Hackney carriage and Private hire Policy in 2008.

A Licensing Officer will be in attendance to answer Members questions.

Corporate Plan 2011 – 2014:

This report links to the delivery of the corporate priorities defined in the Corporate Improvement Plan. In particular:

Improving access across the City.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:

Not applicable.

Other Implications: e.g. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

Members should be aware that Section 17 of the Crime Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area. All decisions should be considered against the requirements of the Equalities Act 2010.

Recommendations and Reasons for recommended action:

It is recommended that the Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

None.

Sign off:

Fin		Leg	AG/13876/7.2.2012	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report

1. On 26 January 2012, Members were asked to consider granting an exemption for a driver carrying wheelchair users in Hackney carriages. Members had concerns over the numbers of similar applications made over recent months. This report details numbers of exemptions granted since the adoption of the Hackney carriage and Private Hire Policy in 2008.
2. In deciding whether drivers should be granted a medical exemption certificate, Members should have regard to the Council's Hackney Carriage and Private Hire licensing policy. The relevant parts of which are detailed below:

Chapter 2 - Conditions of Licence

23.0 Medical Exemptions

Paragraph 23.1 Hackney Carriage drivers are not permitted to refuse disabled persons, unless the driver holds a medical exemption certificate excusing him from such duties, or, for example, the physical characteristics of the person's wheelchair prevent access to the vehicle. This should only be in exceptional circumstances.

Paragraph 23.2 The Council expect drivers of both hackney carriages and private hire cars to accept assistance dogs, unless the driver holds a medical exemption certificate excusing them from such duties.

Paragraph 23.3 The Council will not accept a medical certificate that is more than three months old and will as a consequence require new medical certificates where a medical condition continues for an extended period.

Paragraph 23.4 In circumstances where a driver either has a temporary or permanent medical condition preventing the performance of their duty towards disabled passengers, or the ability to carry assistance dogs, the driver may apply for a medical exemption certificate from the Council. The authority reserves the right to review a licence on medical grounds.

Paragraph 23.5 An applicant for a medical exemption certificate will be required to have their application determined by the Licensing Committee (Hackney Carriage) in the following circumstances:-

- **Where there is an application for a "lifetime" exemption; or**
- **Where an applicant already holding a medical exemption, not being a lifetime exemption, applies for an extension of the exemption period**

3. The process undertaken by applicants for an exemption is that they complete an application form and their GP completes a separate part of the form which outlines the medical condition. Following a grant of an exemption, the driver is sent a letter informing them of that grant and a laminated vehicle notice is issued to them, this is to be put on public view in the vehicle to inform wheelchair users that the driver has an exemption.

This vehicle notice carries a photo of the driver plus their licence number to prevent the exemption being transferred, and for enforcement purposes. All exemptions are noted on a table, details are given below. This process meets the requirements of the Department for Transport Good practice Guide.

4. There are 367 Hackney Carriages licensed by Plymouth City Council, all are wheelchair accessible. These are driven by 445 licensed drivers, some vehicles having two drivers.

50 drivers currently have exemptions, 47 of which are lifetime exemptions, (11 per cent).

Since the adoption of the Policy in November 2008, there have been -

1 exemption granted in 2008 (in December)
9 exemptions granted in 2009
1 exemption granted in 2010
6 exemptions granted in 2011 (2 for 1 year only)
2 exemptions granted in 2012 (1 for 1 month only)
All lifetime exemptions granted by Members.

5. Since the Policy was adopted in 2008, 2 changes have been made to the application process. Firstly a paragraph was included in the application form to state that the GP considered the applicant to satisfy DVLA Group 2 driver medical standards. This was included as some applicants may have been on medication or had conditions that in some way would prevent them attaining this standard.

The second was a change to the wording “in your opinion, does this person have a medical condition which is **aggravated** by his/her condition”. It has been changed to “does this person have a medical condition which **prevents** him/her from assisting wheelchair users”

6. From the statistics in p.4, it can be seen that there were two “spikes” in 2009 and 2011. Members should be made aware that in 20011, 2 drivers were convicted of not adequately securing a wheelchair.
7. Officers are currently reviewing the policy and procedures for obtaining wheelchair exemptions. Members’ views on this issue are welcomed and will be considered during the drafting of any new policy. All Members will receive a draft copy of the proposals during the consultation process.
8. At a National level the Law Commission are undertaking a review of the Licensing system, which will also need to consider wheelchair exemptions and disabled access. Draft legislation changes are to be published in the next 6 months.
9. An application form is reproduced at the end of this report, for Members consideration.

Plymouth City Council
Wheelchair exemption application



Application for exemption, on medical grounds, from the duties placed on licensed Hackney Carriage drivers by the Disability Discrimination act or section 53 of the Town Police Clauses Act 1847 insofar as they relate to wheelchair accessibility.

This form must be completed by the applicant and returned to:

LICENSING UNIT, PUBLIC PROTECTION SERVICE, DEPARTMENT OF COMMUNITY SERVICES, CIVIC CENTRE, PLYMOUTH PL1 2AA

www.plymouth.gov.uk

Direct line: 304141

Fax No: 307810

E-mail: taxi.licensing@plymouth.gov.uk

Applicant Details

Full name of applicant	
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Date of birth	
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Address	
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Post Code	
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Tel. No.	
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Hackney driver licence no.	
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Licensed vehicle details

If driving single vehicle, please enter plate number	
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Please state the medical reason why you are applying for an exemption	
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This will need to be verified by either your GP / Specialist or the Licensing Authorities own medical advisor.

Are you willing to undergo a medical in connection with this application? Tick box	Yes	No
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Do you consent to medical information relevant to this application being released to the Licensing Authority? Tick box	Yes	No
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Details of applicants GP

Doctors Name	
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Surgery Address	
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Post Code	
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Tel. No.	
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Details of medical examiner or specialist (if same as GP – leave blank)

Doctors Name	
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Address	
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Post Code	
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Tel. No.	
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Period of exemption (complete one box ONLY)

Are you applying for a Life Exemption? Tick box	Yes	No
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Are you applying for a temporary Exemption? Tick box	Yes	No
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If you are applying for a temporary exemption, state the period it is required to last.	
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Applicants declaration

I declare that the information contained within this application is true to the best of my knowledge and belief. I also hereby permit Plymouth City Council to make enquiries with my examining doctor to verify my application to determine my exemption. I also accept that if my exemption is granted by Plymouth City Council, any misuse of the exemption granted to me may result in the withdrawal of that exemption and / or prosecution.

Signature of applicant	
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Date	
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Revised Jan 2011



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Background Information for Doctors

Obligations on Licensed Taxi Driver to Carry Disabled Persons using Wheelchairs

The Government is committed to an accessible public transport system in which disabled people can enjoy the same opportunities to travel as other members of society. Taxis are a vital link in the accessible transport chain and it is important that disabled people who use wheelchairs can have confidence that the taxi they find on a rank, or hail on the street, will accept them and carry them in their wheelchair at no extra charge.

All taxi drivers have an obligation under section 53 of the Town Police Clauses Act 1847 to carry any person wishing to hire them within the licensing area. This also includes persons using wheelchairs. Under the Equality Act 2010, it will be a separate lawful requirement for all taxi drivers to carry wheelchair users, unless they are in possession of an exemption certificate issued in accordance with that Act. However, that part of the Act is not yet in force.

The Council has determined that it shall provide an exemption to these duties, to drivers who have medical conditions which are aggravated by assisting people in wheelchairs. The Council is responsible for issuing exemption certificates and needs to be satisfied that it is appropriate to do so on medical grounds

For completion by General Practitioner or medical Specialist ONLY

Patient Details

Full name of patient	
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Date of birth	
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Address	
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Post Code	
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Tel. No.	
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Hackney driver licence no.	
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Details of examining Doctor

Doctors Name	
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Surgery Address	
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Post Code	
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Tel. No.	
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Details of medical condition

In your opinion, does this person have a medical condition which prevents him/her from assisting wheelchair users? Tick box	Yes	No
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If "yes" to question above, please give details of condition.	
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Does the patient still satisfy DVLA Group II Driver Medical Standards	
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Period of exemption (complete one box ONLY)
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In your opinion is this persons medical condition so severe that they should be exempt from carrying wheelchair users in their vehicle,

For Life? Tick box	Yes	No
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Or

For a period of	
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Signature of Doctor	
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Date	
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When completed, please pass this form to the applicant who will submit it to the Licensing section.