

CITY OF PLYMOUTH

Subject: Request for Officer Delegated Authority to Grant Medical Exemptions

Committee: Taxi Licensing Committee

Date: 19 April 2012

Cabinet Member: Councillor Jordan

CMT Member: Director for Place

Author: Mark Small - Taxi Licensing Officer

Contact: Tel: 01752 307984
Email: mark.small@plymouth.gov.uk

Ref: ERS/LIC/MS/ddw

Key Decision: No

Part: I

Executive Summary:

Hackney carriage driver's have a duty to carry passengers within the prescribed limit of the city boundary including wheelchair users and assistance dogs.

The Council may exempt drivers from the duty of carrying wheelchairs and assistance dogs where a medical condition prevents the driver from reasonably undertaking this function. The granting of a medical exemption is largely an administrative function, but present Council policy requires drivers requesting a lifetime exemption to appear before the Committee. Officers are seeking delegated authority to issue lifetime exemptions, in common with short term or temporary exemptions.

Corporate Plan 2012 – 2015:

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 and agree the following:

To delegate authority to grant all wheelchair and assistance dog exemptions certificates to the Assistant Director for Environmental Services

Reason: Granting of these certificates has largely become an administrative task since the introduction of provisions in s.166 Equality Act 2010. Delegation of this task to officers will free up Committee time.

Alternative options considered and reasons for recommended action:

None.

Background papers:

None.

Sign off:

Fin		Leg	AG/14429/2 9.3.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report

1. Hackney carriage driver's have a duty to carry passengers within the prescribed limit of the city boundary, including wheelchair users.

Section 53 of the Town Police Clauses Act 1847 states 'that a driver of a hackney carriage cannot refuse or neglect to carry any passenger within the prescribed distance, without having a reasonable excuse for doing so'. If a driver refuses to carry a passenger without reasonable excuse, he commits an offence.

2. The Council may exempt drivers from the duty of carrying wheelchairs and assistance dogs where a medical condition prevents the driver from reasonably undertaking this function. The granting of a medical exemption is largely an administrative function, but present Council policy requires drivers requesting a lifetime exemption to appear before the Committee. Since the adoption of the current policy s.166 Equality Act 2010 has now made it a statutory requirement for the Council to issue an exemption certificate if there is medical grounds, or on the grounds that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with the duty to carry wheelchair passengers. Under s.172 Equality Act 2010 there is an appeal to the Magistrates' Court against a refusal to grant an exemption certificate. Officers are therefore seeking delegated authority to issue lifetime exemptions, in common with short term or temporary exemptions.
3. To obtain a medical exemption, a driver must obtain a certificate from his G.P. declaring the condition preventing the driver from performing the full range of duties in relation to wheelchair users and assistance dogs. The application forms for wheelchair medical exemptions are attached form your information.
4. In deciding whether drivers should be granted a medical exemption certificate, Members 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.**

5 Officers are seeking a delegated authority to undertake the function of issuing all medical exemptions for carrying wheelchairs and assistance dogs in order to reduce the administratively burdensome pressure on Committee time.

WHEELCHAIR MEDICAL EXEMPTION APPLICATION

Driver details



Application for a medical exemption from transporting wheelchairs on medical grounds, from the duties placed on licensed Hackney Carriage drivers by the Equality Act 2010 or section 53 of the Town Police Clauses Act 1847.

THIS FORM MUST BE COMPLETED BY THE APPLICANT:

Applicant Details	
Full name of applicant	
Date of birth	
Address	
Post Code	
Tel. No.	
Hackney carriage driver licence no.	
Licensed vehicle details	
If driving single vehicle, please enter plate number	
Please state the medical reason why you are applying for an exemption	

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? At your own expense.	Yes	No
Do you consent to medical information relevant to this application being released to the Licensing Authority?	Yes	No
Details of applicants GP		
Doctors Name		
Surgery Address		
Post Code		
Tel. No.		

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

Period of exemption (complete one box ONLY)		
Are you applying for a Life Exemption?	Yes	No
Are you applying for a temporary exemption?	Yes	No
If you are applying for a temporary exemption, please state the time period required.		

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		Date	
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PLEASE RETURN THIS FORM DULY COMPLETED TO THE FOLLOWING ADDRESS:

Licensing Office
Public Protection Service
Plymouth Council
Civic Centre
Plymouth PL1 2AA

www.plymouth.gov.uk

Direct line: 01752 - 304141

Fax No: 01752 - 226314

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

WHEELCHAIR MEDICAL EXEMPTION APPLICATION

Doctor's Assessment



Application for a medical exemption from transporting wheelchairs on medical grounds, from the duties placed on licensed Hackney Carriage drivers by the Equality Act 2010 or section 53 of the Town Police Clauses Act 1847.

THIS FORM MUST BE COMPLETED BY THE GENERAL PRACTITIONER OR MEDICAL SPECIALIST:

Please read the attached notes before completing this form:

FOR COMPLETION BY GENERAL PRACTITIONER OR MEDICAL SPECIALIST ONLY	
Patient Details	
Full name of patient	
Date of birth	
Address	
Post Code	
Tel. No.	
Driver licence no.	

Details of examining Doctor	
Doctors Name	
Surgery Address	
Post Code	
Tel. No.	

Details of medical condition		
In your opinion, does this person have a medical condition which PREVENTS him/her from assisting wheelchair users?	Yes	No

If “yes” to question above, please give details of condition.	
Does the patient still satisfy DVLA Group II Driver Medical Standards.	
Period of exemption (complete one box ONLY)	

In your opinion is this persons medical condition so severe that they should be exempt from carrying wheelchair users in their vehicle,

For Life?	Yes	No
If “no” to question above please indicate whether it is appropriate to request a temporary exemption		
Signature of Doctor		Date

NOTES

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 prevent them from 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

When completed, please pass this form to the applicant who will submit it to the Licensing office.

If you require any further information or clarification please contact:

Licensing Office
Public Protection Service
Plymouth Council
Civic Centre
Plymouth PL1 2AA

www.plymouth.gov.uk

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