

# **STATEMENT OF POLICY AND GUIDELINES RELATING TO EXEMPTION CERTIFICATES**

## **DUTY TO PROVIDE REASONABLE ASSISTANCE**

Hackney Carriage and Private Hire Vehicles are a vital link in providing an accessible transport chain and it is important that disabled people who require mobility assistance have confidence that the driver of a Hackney Carriage or Private Hire Vehicle will assist them at no extra charge.

The Equality Act 2010 places the following duties on Private Hire and Hackney Carriage Drivers where the vehicle has been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person:

- To give a passenger such mobility assistance as is reasonably required
- To carry a passenger while in a wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- If the passenger has with them any mobility aids, to carry the mobility aids
- To load the passenger's luggage
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To not make any additional charge for providing mobility assistance

## **EXEMPTION CERTIFICATES**

Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require.

Section 166 of the Equality Act 2010 allows the Licensing Authority to exempt a driver from the duties to provide mobility assistance to disabled passengers if we are satisfied that it is appropriate to do so on medical or physical grounds. The exemption will be valid in accordance with the recommendation of a medical professional taking into account the nature of the medical issue. If exempt, the driver will not be required to provide the mobility assistance duties under Sections 165(4)(e) and 164A(5)(e) of the Equality Act 2010.

## **APPLICATION PROCESS FOR AN EXEMPTION CERTIFICATE**

Any driver seeking an exemption must complete an application form. An application from a driver seeking a short-term exemption must be supported by a Medical Assessment form completed by a General Practitioner in the medical practice to which the driver is registered. In accordance with Statutory Guidance a driver seeking a long-term exemption may be required to obtain a medical assessment from a Specialist Medical Practitioner.

The application will be considered by a Licensing Officer. There may be circumstances where the officer considers it appropriate to refer the application to the Regulatory Panel.

If the exemption application is successful, then the Licensing Authority will issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. If the exemption application is unsuccessful the Licensing Authority will inform the applicant of the reason/s for the refusal within 14 days of the decision.

A driver may appeal against the decision of the Licensing Authority to refuse to issue an exemption certificate. That appeal should be made to the Magistrates Court within 28 days beginning with the date of the refusal.

Where a driver has been exempted from the mobility assistance duties under section 165 and 164A of the Equality Act 2010 they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations. If the notice is not displayed, then the driver could be prosecuted if they do not comply with the duties under section 165 and 164A of the Equality Act 2010.

Only one exemption notice should be displayed in a vehicle at any one time.

## **CARRIAGE OF ASSISTANCE DOGS**

Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- Carry a disabled person's assistance dog and allow it to remain with that person
- Not to make any additional charge for doing so

It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds.

## **Application requirements for an Exemption Certificate**

Any driver seeking an exemption must complete an application form. An application from a driver seeking a short-term exemption must be supported by a Medical Assessment form completed by a General Practitioner in the medical practice to which the driver is registered. In accordance with Statutory Guidance a driver seeking a long-term exemption may be required to obtain a medical assessment from a Specialist Medical Practitioner.