

Recommendation from Licensing Committee – 21st March 2018 – Taxi and Private Hire Exemption Policy		Agenda No: 8
Portfolio	Environment and Place	
Corporate Outcome:	A sustainable environment and a great place to live, work and play Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Councillor Michael Banthorpe, Chairman of the Licensing Committee	
Report prepared by:	Emma Wisbey, Governance and Members Manager	
Background Papers:		Public Report
<u>Report and Minutes from Licensing Committee – 15th November 2017 and 21st March 2018</u>		Key Decision: No

MINUTE EXTRACT

Licensing Committee – 21st March 2018

25. EQUALITY ACT 2010 – HACKNEY CARRIAGE AND PRIVATE HIRE MEDICAL EXEMPTION POLICY – POST-CONSULTATION

INFORMATION: Consideration was given to a report on a proposed Hackney Carriage and Private Hire Medical Exemption Policy to be applied to licensed drivers wishing to be exempt from the requirements of the Equality Act 2010 regarding the carriage of passengers in wheelchairs and/or assistance dogs. This matter had been discussed previously at the Licensing Committee meeting held on 15th November 2017.

Part 12 of the Equality Act 2010 made provision for disabled persons’ transport. Section 165 of the Act placed a duty on the driver of a wheelchair accessible Hackney Carriage or Private Hire vehicle designated under Section 167 of the Act, which made it an offence for the driver not to offer reasonable assistance to a wheelchair user; to charge extra for providing any assistance; or to refuse a fare from a disabled passenger. Section 166 of the Act enabled a Council to exempt drivers from these duties where appropriate on medical grounds. The proposed Hackney Carriage and Private Hire Medical Exemption Policy would outline the process and provide guidance on how applications for medical exemption would be determined and the criteria to be used.

The policy would apply to current holders of Hackney Carriage, Private Hire, or Dual

Hackney Carriage/Private Hire driver's licences issued by the Council, in addition to the Council's general requirements for medicals, and all drivers would be required to meet the group 2 medical standards of the DVLA.

The draft policy had been subject to public consultation from 27th November 2017 to 22nd January 2018. One representation had been submitted, which stated that the reference to 'C1' group 2 medical standards should be amended to refer only to 'group 2 medical standards' and that the word 'gathering' on the application form should be changed to 'granting'.

It was proposed that Officers should be authorised to grant an exemption if an application met the policy and criteria. Applications which failed to meet the policy and criteria would be determined by a Licensing Sub-Committee. It was also proposed that if the holder of a temporary exemption failed to return an exemption certificate, Officers should be authorised to suspend the person's Braintree District Council Hackney Carriage and/or Private Hire driver's licence; and that Officers should be authorised to make minor amendments to the policy, application forms and guidance when required.

DECISION: That it be **Recommended to Full Council** that the draft Hackney Carriage and Private Hire Medical Exemption Policy as amended, and the delegated functions be approved.

Recommended Decision:

It is recommended to Full Council to:

1. Adopt the Taxi & Private Hire Medical Exemptions Policy.
2. That authority is delegated to Officers as set out in paragraphs 4.1, 4.3 and 4.4 of the Report to the Licensing Committee of 21st March 2018.

Purpose of Decision:

To allow Braintree District Council to control the issue of medical exemptions in relation to the Equality Act 2010