

**REPORT FOR**

**Agenda**

<b>MEETING:</b>	<b>LICENSING &amp; SAFETY PANEL</b>
<b>DATE:</b>	<b>13 FEBRUARY 2018</b>
<b>SUBJECT:</b>	<b>MEDICAL EXEMPTION POLICY UNDER THE EQUALITY ACT 2010</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LOCALITIES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<b>To introduce a medical exemption policy under the Equality Act 2010</b>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ol style="list-style-type: none"> <li>1. To introduce a medical exemption policy under the Equality Act 2010 as outlined in the report</li> <li>2. To consider alternative amendments determined by panel to the proposed policy</li> <li>3. If the policy is approved, Members are requested to delegate the issuing of exemption certificates to the Head of Service for Trading Standards and Licensing, or the Licensing Unit Manager/Deputy Licensing Officer in consultation with the Chairperson of the Licensing and Safety Panel.</li> </ol>

<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework?      Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
<b>Statement by Director of Finance and E-Government:</b>	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
<b>Equality/Diversity implications:</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Considered by Monitoring Officer:</b>	Yes <input checked="" type="checkbox"/> Comments
<b>Are there any legal implications?</b>	Under the legislation the Council is required to determine applications. The report is in accordance with the appropriate legislation.
<b>Staffing/ICT/Property:</b>	None
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	Internal Scrutiny Panel

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

1.1 The Equality Act 2010 means that service providers must make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

Bury Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and private hire vehicles are a vital link in the transport chain. It is important that people who use wheelchairs or assistance dogs can have confidence that drivers will carry them and their wheelchair or assistance dog and at no extra charge.

All Hackney Carriages licensed by Bury Council are wheelchair accessible vehicles. A list is also available of wheelchair accessible Private Hire vehicles.

The Equality Act 2010, section 165, places the following duties on drivers of designated wheelchair accessible taxis and private hire vehicles;

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat, to carry their wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required

In addition, sections 168 and 170 places the following duty on drivers of taxis and private hire vehicles;

- To carry the passenger's dog, allowing it to remain with the passenger and not make any additional charge for doing so.

A driver who fails to comply with any of the above may be guilty of an offence and is at risk of prosecution, subject to any prescribed exemptions

## **2.0 CURRENT ISSUES**

2.1 Currently Bury Council does not have a policy which permits licensed hackney carriage/private hire drivers to apply for a medical exemption under the Equality Act 2010. Therefore the Licensing Service have drafted a policy to ensure that drivers who have allergies/medical conditions which do not allow them to comply with the requirements of the Act can apply for an exemption. The policy is attached at Appendix 1.

2.2 In January 2018, the Licensing Service consulted the hackney carriage / private hire trade liaison meeting on the policy and no comments were raised.

2.3 The costs relating to the application for exemption and a further exemption certificate should one be required are currently being finalised.

## **3.0 CONCLUSION**

Members are requested to consider the options of this report on page 1.

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### **List of Background Papers:-**

#### **Equality Act 2010**

#### **Minutes of the Hackney Carriage / Private Hire Drivers Trade Liaison Meeting**

#### **Contact Details:-**

Mr M. Bridge  
Licensing Unit Manager  
3 Knowsley Place  
Duke Street  
Bury

BL9 OEJ  
Telephone: 0161 253 5209  
Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)