



Licensing and Appeals Committee

Date: Monday, 3 December 2018

Time: 10.00 am

Venue: The Council Antechamber, Level 2, Town Hall
Extension

Everyone is welcome to attend this committee meeting.

This is a **supplementary agenda** that contains additional information that was not available when the agenda was first published (Item 5 is attached) .

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

Membership of the Licensing and Appeals Committee

Councillors - Ludford (Chair), Grimshaw (Deputy Chair), Barrett, Chohan, Evans, Hassan, J Hughes, Jeavons, T Judge, S Lynch, McHale, Madeleine Monaghan, C Paul, J Reid and Stone

Agenda

5. **Report on Equalities Act 2010 – Implementation of Sections 165 & 167** 7 - 34
- The report of the Head of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing and Appeals Committee discharges the duties of the Council in relation to a range of licensing and registration functions.

In general, decisions are made by the Committee under powers delegated to it under the Council Constitution and will not require to be referred to the Council for approval. Meetings are controlled by the chair, who is responsible for seeing that the business on the agenda is dealt with properly.

The Committee has previously agreed detailed procedures for dealing with certain types of applications. The role of officers at meetings is to present reports and to give procedural or legal guidance to the Committee

Copies of the agenda are available beforehand from the reception area at the main entrance of the Town Hall in Albert Square. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
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Further Information

For help, advice and information about this meeting please contact the Committee Officer:

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This agenda was issued on **Friday, 23 November 2018** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

Manchester City Council Report for Resolution

Report to: Licensing and Appeals Committee – 3 December 2018

Subject: Equalities Act 2010 – Implementation of Sections 165 & 167

Report of: Head of Planning, Building Control and Licensing

Summary

The report seeks to inform the Committee of the recent implementation of part of the Equalities Act 2010, allowing Councils to designate vehicles as being wheelchair accessible so that new protections under the Act can apply, by publishing a list of such vehicles. The report also outlines a draft Policy and procedures for consideration of exemptions to all relevant parts of the Act.

Recommendations

1. That the Committee agrees to the provision and maintenance of a list of designated vehicles under section under 167 of the Equalities Act 2010.
2. That the Committee agrees to the related Policy - with or without amendment (attached at Appendix 1)
3. That the Committee agrees that exemption applications can be determined by a Senior Licensing Officer, with the driver having the option to either:
 - a) Appeal the Officer decision to the next available Licensing and Appeals Sub-Committee (retain right of appeal to Magistrates' Court within 28 days of Sub-Committee decision)
 - b) Appeal directly to the Magistrates' Court (within 28 days of the date of refusal)

Manchester Strategy Outcomes	Summary of contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	The Taxi Licensing Service aims to continuously evolve and improve to support Manchester residents who wish to work in these industries, and a key element of the transport network that supports diversity and accessibility.
A highly skilled city: world class and home grown talent sustaining the city's economic success	Not applicable to the content of this report
A progressive and equitable city: making a positive contribution by	The current Hackney Carriage Vehicle Policy is one of the most equitable in the country, supporting consistency of full accessibility

unlocking the potential of our communities	within the entire fleet, ensuring that no users have to make special arrangements. By implementing sections 165 and 167 of the Equalities Act 2010 the City is providing additional assurance to passengers with disabilities.
A liveable and low carbon city: a destination of choice to live, visit and work.	By continuing to strive towards the highest standards in equality and accessibility, the Taxi Licensing service supports strategic aims of the City being a destination for all communities and businesses.
A connected city: world class infrastructure and connectivity to drive growth	The Taxi Licensing Service aims to ensure its policies use all opportunities to enhance connectivity and infrastructure through progressive and equitable policies.

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue - None
Financial Consequences – Capital - None

Contact Officers:

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Background documents:

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Equality Act 2010

1.0 Introduction

- 1.1 The City Council has a clear vision to be an equitable, inclusive and accessible city. The Licensing Unit aims to support these strategic aims through the elements of the public transport network that it regulates. Manchester's Hackney Carriage vehicle policy is one of the most equitable in the country and the Unit aims to ensure that the fleet we licence continually strives towards the highest standards in equality and accessibility.
- 1.2 The Equality Act 2010 introduces a number of new measures for employers, regulators and transport providers to ensure against discrimination. Sections 160 to 173 relate specifically to hackney carriage and private hire vehicle licences.
- 1.3 On 1 October 2010, some relevant sections of the Act, namely 166 (dealing with medical exemptions) and 168 to 171 (dealing with the carriage of disability and guidance dogs) came into force and were immediately applicable to all local authorities; not specifically requiring local authorities to put any specific arrangements in place.
- 1.4 The Council has made use of sections 168-171 since their commencement, achieving successful prosecutions under section 168 and 170. Applications (under section 169 and 171) for exemptions from carrying assistance dogs have been rare, and have been dealt with by Members on the Licensing and Appeals Sub-Committee on an individual case basis.
- 1.5 On 6 April 2017, the Government fully commenced sections 165 and 167 of the Act. These sections allow (but don't require) Councils to designate particular vehicles as being wheelchair accessible by the publishing of a list of such vehicles; and then imposes duties on hackney carriage and private hire drivers of those designated vehicles to:
 - transport wheelchair users in their wheelchair
 - provide passengers in wheelchairs with appropriate assistance
 - charge wheelchair users the same fares as non-wheelchair users
- 1.6 Specific powers to prosecute drivers for not carrying out their duties under section 165 of the Act, apply only where the licensing authority has decided to, produced and then published a list of designated vehicles under section 167 of the Equality Act 2010, and where the driver is driving a vehicle included on such a list. It should be noted that outside of these specific powers however, the Council investigates and takes appropriate action in relation to any reports relating to a driver's conduct.
- 1.7 The Act provides for a hackney carriage or private hire driver to apply for an exemption certificate in relation to duties to both wheelchair users and assistance dogs. Specifically, in relation to wheelchair users, it allows for an exemption if they have a physical condition or disability which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. Similarly, vehicle proprietors may

appeal the authority's decision for their vehicle to be placed on the designated list.

- 1.8 This report provides detail about the recently commenced sections of the Act, and proposes a formal policy and related procedures to enable full adoption of this part of the legislation.

2.0 Equality Act 2010 – Sections 165 and 167

- 2.1 Section 165 places the following duties on drivers of designated wheelchair accessible hackney carriages and private hire vehicles:

- a) to carry the passenger while in the wheelchair;
- b) not to make any charge for doing so;
- c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- e) to give the passenger such mobility assistance as is reasonably required.

- 2.2 Mobility assistance is defined as:

- i. to enable passengers to get into or out of the vehicle;
- ii. if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- iii. to load the passenger's luggage into or out of the vehicle;
- iv. if the passenger does not wish to remain in the wheelchair, to load the wheelchair into the vehicle.

- 2.3 Government guidance is clear that reasonable mobility assistance is subject to other applicable law, including health and safety legislation, but that the general expectation is that drivers will provide assistance such as:

- folding manual wheelchairs and placing them in the luggage compartment
- installing the boarding ramp
- securing a wheelchair within the passenger compartment

or, subject to the weight of the wheelchair and capability of the driver:

- pushing a manual wheelchair or light electric wheelchair up a ramp
- stowing a light electric wheelchair in the luggage compartment

- 2.4 The requirement not to charge the wheelchair user extra includes a clear direction that a meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment.

- 2.5 The Government recommends that a vehicle should only be placed on the authority's list if it would be possible for the user of a "reference wheelchair" (as defined in Schedule 1 of the Public Service Vehicle Accessibility Regulations 2000) to enter and leave and travel in the passenger compartment in the wheelchair, in safety and reasonable comfort.

3.0 Enforcement

- 3.1 A Hackney or Private Hire Driver will be subject to the duties set out in section 165 of the Equality Act 2010, if the vehicle they are driving appears on the designated list published by the local authority and the local authority has not provided them with an exemption certificate, regardless of where the journey starts or ends.
- 3.2 As mentioned in point 1.3 above, drivers (both hackney and private hire) and private hire operators are already subject to relevant sections of the Act in relation to assistance dogs, and are liable to prosecution and a fine of up to £1000.
- 3.3 If drivers now commit an offence under section 165 of the Act relating to wheelchairs, the driver may be prosecuted and if convicted will be liable to a fine of up to £1000.
- 3.4 The Licensing Unit will review the evidence and circumstances of each case on its own merit, but takes such offences seriously and will seek to prepare a case for prosecution wherever possible. Upon successful conviction, a driver will automatically be referred to the Licensing and Appeals Sub-Committee for a review of whether they remain a fit and proper person to hold their licence. The Unit firmly believe such a stringent approach to this type of offence is necessary to uphold the Council's strategic aims for an equitable City, providing as accessible a transport offer as possible. We also know from speaking to disability support groups that this type of incident still goes unreported in most cases, and it is the Unit's view that people will only see a value in reporting unacceptable behaviour in contravention of the duties under this Act, if passengers see a value in doing so; which means taking firm and consistent action that reflects the Council's position that this behaviour will not be tolerated.

4.0 Exemptions and Appeals

- 4.1 In some circumstances a driver of a hackney carriage or private hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons. These can be short or long term. Before finalised lists of designated vehicles can be published, the Council must allow provision for exemption applications to be made first.
- 4.2 Section 166 allows the Council to grant an exemption to drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so, on medical grounds or because the driver's physical

condition makes it impossible or unreasonably difficult for them to comply with the duties.

- 4.3 Sections 169 & 171 already permits the Council to grant an exemption to drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so, on medical grounds.
- 4.4 There are no exemptions medical or otherwise, for a hackney carriage or private hire driver in respect of conveying a reasonable quantity of luggage or providing reasonable assistance in the loading and unloading of luggage. If such a circumstance was reported, the Council would have to take a view on the evidence put forward as to whether the driver had a reasonable excuse on the occasion in question, and what subsequent action was therefore appropriate.
- 4.5 As outlined within the draft policy, an application for a medical exemption will require the applicant to download a Medical Exemption Application Form from the Council's website and take the form to their GP. It should be returned along with any relevant documents (i.e. letter from GP or Specialist report as applicable). It is recommended that an independent medical assessor is used where a long term exemption is applied for. The Council will not be responsible for any costs incurred by the applicant in this process. The draft Medical Exemption Application form is attached for the Committee's information at Appendix 2.
- 4.6 Provision is made within the Act (at section 172) for drivers to Appeal against a decision of the Council not to issue an exemption certificate. This is made to the Magistrates' Court with 28 days beginning with the date of refusal.
- 4.7 The same provision also allows vehicle proprietors to appeal against a decision by the Council to include their vehicle on the designated list. This appeal should be made to the Magistrates' Court within 28 days of the vehicle in question being included on a published list.
- 4.8 The provision already exists under the Equality Act to apply for an exemption in relation to assistance dogs and a system for dealing with associated applications has already been used. Two such cases have to date been referred to a panel of the Licensing and Appeals Sub-Committee for consideration and determination (with one being granted and the other refused). A formal procedure has now been developed within the business systems, to enable effective tracking of short term exemptions, along with the application form to deal with this process and any potential increase in exemption applications resulting from a decision by the Committee to authorise the publication of designated lists. In anticipation of an increased number of exemption applications being received in the future, it is proposed that all applications are determined in the first instance by a Senior Licensing Officer, with that decision being appealable to either a Sub-Committee in the first instance or straight to the Magistrates' Court. Government guidance states that local authorities may establish their own appeal process in addition to the statutory process.

- 4.9 If the exemption notice is not displayed as prescribed by the Council, then the driver could be prosecuted if they do not comply with the required duties under the Act. A proposed notice that will be required to be displayed if issued, will be available at the meeting.

5.0 Implementation

- 5.1 If the Committee agrees to the publication of the designated vehicle lists, provision has to be made for exemption applications to be determined prior to publication. In preparation, officers have:
- prepared draft lists of designated vehicles
 - set out the related policy and procedure for exempting drivers on medical or physical condition grounds
 - prepared correspondence ready to inform proprietors that their vehicles will be placed on a list and alert drivers of their upcoming duties
 - made provision with the business system and administrative procedures to process exemption applications as received (subject to Committee approval in this report)
 - prepared new exemption certificates and notices to be issued where applicable

Once the above steps have been taken, the final lists can then be published.

- 5.2 In order to ensure that passengers in wheelchairs have the information they need to make informed choices about their travel, users of larger wheelchairs need to have sufficient information about the vehicles on the list and what they can accommodate. The Act recognises that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included on the Council's designated list. Therefore, the guidance suggests that the lists should include the make and model of the vehicle, as well as specify whether it is a taxi or private hire vehicle, and stating the name of the Operator.
- 5.3 Not all of this information has been available, or easily extracted, from the business system to enable a list to be produced; a significant amount of work has therefore been undertaken by officers to prepare the designated vehicle lists.
- 5.4 Whilst the Hackney Carriage fleet list was more straightforward, the Licensing Unit has not previously recorded where a private hire vehicle is 'wheelchair accessible'. Similarly, the Unit has not previously required private hire proprietors to notify the Unit with regards to which operator the vehicle is working for. Logistically, this would require substantial additional administration (and related costs) given the size of our private hire fleet and the frequency with which drivers (and therefore the vehicles they drive) change which Operator they work for. The Unit will work with operators and proprietors to assist in maintaining an accurate list of designated vehicles and

providing as much information as possible to assist the passenger making choices about their travel.

- 5.5 The Unit has also considered the potential problem arising when a vehicle is designated on the list but has several different drivers, one of whom may have been granted an exemption certificate. This unfortunately cannot be fully avoided and there may be occasions where a passenger is unable to get the assistance. The proposed exemption notice aims to reduce this risk by being displayed as clearly as possible in Hackney Carriages on a rank or hailed on the street; and by working closely with private hire operators and booking providers to ensure they do not assign a job to an exempted driver. Private hire drivers who have been granted an exemption certificate will be encouraged to source a vehicle that is not on the designated list wherever possible.
- 5.6 The Council is committed, as with existing relevant provisions of this Act, to taking action to enforce non-compliance with these requirements. However, in order to ensure that maximum compliance with these provision of the Act without the need for legal action, guidance and communication will be provided to all drivers, proprietors and operators setting out clearly the expectations on them, including in relation to meters and fares. Training and guidance is also being provided to Compliance Officers to ensure they exercise logical and consistent judgement in investigating complaints.

6.0 Conclusion and recommendations

- 6.1 The report seeks to inform the Committee of the more recent implementation of part of the Equalities Act 2010, allowing Councils to designate vehicles as being wheelchair accessible so that new protections under the Act can apply, by publishing a list of such vehicles. The report also outlines a draft Policy for consideration of exemptions to all relevant parts of the Act.
- 6.2 The Council has long established principles with regard to supporting the provision of an inclusive and accessible taxi and private hire fleet, and therefore is well placed to adopt the new sections of the Equality Act. It is recommended that:
- the Committee agrees to the provision and maintenance of a list of designated vehicles under section under 167 of the Equalities Act 2010
 - the Committee agrees to the related Policy - with or without amendment (attached at Appendix 1)
 - the Committee agrees that exemption applications can be determined by a Senior Licensing Officer, with the driver having the option to either:
 - a) Appeal the Officer decision to the next available Licensing and Appeals Sub-Committee (retain right of appeal to Magistrates' Court within 28 days of Sub-Committee decision)
 - b) Appeal directly to the Magistrates' Court (within 28 days of the date of refusal)

Policy for Exemptions under the Equality Act 2010



MANCHESTER
CITY COUNCIL

Introduction

The Equality Act 2010 introduces a range of measures for employers, regulators and transport providers to ensure against discrimination. Sections 160 to 173 relate specifically to hackney carriage and private hire licences.

The Council has a clear vision to be an equitable, inclusive and accessible city. The Licensing Unit supports these strategic aims through continually striving towards the highest standards of equality and accessibility within its policies, procedures and the fleets it regulates. In this regard, any reports about driver's behaviour relating to discrimination against passengers with disabilities are taken very seriously and robust action will be taken where the evidence supports such action; this approach seeks to gain greater compliance from licensed drivers and encourage victims of these offences to report incidents.

This policy should be read in conjunction with the relevant sections of other MCC policies (set out in **Appendix A**).

1. General

- 1.1 Sections 160 to 173 of the Equality Act 2010 apply to Hackney Carriage and Private Hire drives, vehicles and operators.
- 1.2 The Council expects all licensed Hackney Carriage and Private Hire drivers (including those driving designated vehicles under the Equality Act 2010) and Operators, to carry out their statutory duties as outlined below;

Section 165 places the following duties on drivers of designated wheelchair accessible hackney carriages and private hire vehicles:

- a) to carry the passenger while in the wheelchair;
- b) not to make any charge for doing so;
- c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- e) to give the passenger such mobility assistance as is reasonably required.

Mobility assistance is defined as:

- i. to enable passengers to get into or out of the vehicle;

- ii. if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- iii. to load the passenger's luggage into or out of the vehicle;
- iv. if the passenger does not wish to remain in the wheelchair, to load the wheelchair into the vehicle.

Sections 168 & 170 place the following duties on drivers of hackney carriage and private hire drivers:

- a) to carry the passenger's assistance dog and allow it to remain with the passenger
- b) not to make an additional charge for doing so

Section 170 places a duty on private hire operators not to:

- a) fail or refuse to accept a booking for a vehicles if the booking is requested by or on behalf of a disabled person or person who wishes to be accompanied by a disabled person
- b) fail or refuse to accept a booking if a disabled person will be accompanied by an assistance dog
- c) make an additional charge for carrying an assistance dog which is accompanying a disabled person

- 1.3 The Council will produce and maintain (at least bi-annually) designated lists of wheelchair accessible vehicles in line with government guidance.

2 Exemption Certificates

- 2.1 Drivers may apply for a certificate exempting them from their duties as outlined above if they can demonstrate:
 - they 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
- 2.2 Applications must be made using the form attached to this policy at **Appendix B**. The form must be completed and dated by the GP no more than 28 days prior to submission of the application.
- 2.3 The Applicant must submit any relevant additional information from their GP or Specialist reports as applicable. It will be expected that an independent medical assessor is used where a long term exemption is applied for.
- 2.4 The Council will not be responsible for any costs incurred by the applicant in this process.
- 2.5 Applications for Exemption certificates will be considered and determined by a Senior Licensing Officer and will conclude that the applicant is either:
 - Fit for work
 - Temporarily unfit to carry passengers in wheelchairs and/or with assistance dogs; or

- Permanently unfit to carry passengers in wheelchairs and/or with assistance dogs

A letter confirming the decision will be given to the driver.

- 2.6 Exemption certificates and notices will be issued as appropriate and will include a photograph of the driver who has been granted exemption. Where an exemption certificate has been granted, the notice must be displayed in a prominent position (as advised by Licensing Unit staff) at all times that the exempted driver is driving the licensed hackney carriage or private hire vehicle.
- 2.7 Upon the expiry of the exemption certificate, the Council will deem drivers fit to undertake all duties and the exemption notice must be returned to the Licensing Unit within 7 days of the date of expiry. If a driver requires an extension to the exemption period, they must submit a further medical assessment for consideration.
- 2.8 Where a driver fails to return an exemption notice without reasonable excuse, this will be recovered and noted on their driver record. Further action will be considered dependant on their licence history.
- 2.9 There is no exemption in relation to affording assistance with luggage.

3. Appeals

- 3.1 If any applicant wishes to appeal a decision to refuse exemption application they may:
- i. Request within 7 days to have the matter referred to the Licensing and Appeals Sub-Committee to be determined at the next available hearing date
 - ii. Appeal directly to the Magistrates' Court within 28 days of the date of refusal

If the applicant chooses to be referred to the Sub-Committee and the decision of that panel is to refuse, the applicant retains the statutory right to appeal to the Magistrates' Court (to be made within 28 days of the date of the Sub-Committee decision)

4. Enforcement

- 4.1 The Council will not tolerate discriminating against passengers with disabilities and additional needs, as such behaviour completely undermines the Council's vision for an equitable and inclusive City and accessible transport network, supporting people to live, work and contribute positively to the region. It is also important that passengers see a value in reporting such behaviour, having confidence that it will be challenged effectively.

- 4.2 Where a complaint is received relating to a failure of a driver or operator to carry out their duties under the Act, the Council will carry out an investigation with a view (where applicable) to the instigation of a prosecution.
- 4.3 Where a complaint is received relating to a failure of a private hire driver/operator or hackney carriage driver to carry out their duties under the Act, the Council will carry out an investigation with a view (where applicable) to the instigation of a prosecution.
- 4.4 Consideration will be given to referring cases of non-compliance with the Act, to the Licensing and Appeals Sub-Committee. Officers will also automatically refer any drivers or operators who have been successfully prosecuted for any such offences under the Act, to the Sub-Committee for a review of whether they remain a fit and proper person to hold a licence.

5. Changes to Policy

- 5.1 This policy will be reviewed every three years or as required (i.e. by a change in legislation) and will be amended accordingly.
- 5.2 The application process related to the policy will be changed as and when required at the discretion of the Licensing Unit Manager.

Relevant current byelaws and policies

16. Carriage of Personal Luggage and Animals

- a. The driver of a hackney carriage of such a size and construction as to be adapted for the conveyance of luggage on it or in it, shall, when requested by any person hiring the carriage, convey personal luggage in it or on it not exceeding in the aggregate 112lbs in weight, and shall afford all reasonable assistance in loading and unloading any such luggage conveyed in or on the carriage and belonging to or in charge of any person hiring or being conveyed in the carriage.
- b. Every such driver shall, when requested by the person hiring the carriage, afford all reasonable assistance in moving any such luggage to or from any gate, door or entrance at any house, station or place at which he may take up or set down any such person.
- c. Nothing in this byelaw shall compel any driver to permit the carrying in or on the carriage, or any article or animal which is of such bulk or amount or character that the carrying of it, or its placing in or on, its removal from the carriage, would be likely to cause damage to the carriage or its fittings.
- d. In this byelaw the expression "personal luggage" includes a perambulator, a child's mail cart and a package comprising all / any of the component parts of one bicycle.

Group II Medical Examination Report Form - Relevant extracts from Information notes

It is a requirement under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 to provide a Medical Examination Report to the effect that you are physically fit to drive a Public, Private Hire or Contract vehicle.

This form is to be completed by the applicant's own General Practitioner (GP) or another GP within the same practice, or a GP at another practices, provided they have access to the applicant's full NHS records at the time of the examination. Upon reaching the age of 50, a Group II Medical Report Form is required every 5 years* until the age of 65, when an annual form is required.

*there are certain medical conditions that require an annual medical report.

1. Prior to carrying out the assessment ensure that you are fully aware of the Group II medical requirements. It may be helpful to consult the DVLA https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517268/Fitness_to_drive.pdf
This is available for download as a guide for medical professionals.
2. Arrange for the patient to be seen and examined. (GPs must ensure the identity of the individual they are carrying out the examination on.)
3. Applicants who may be asymptomatic at the time of the examination should be advised that,

- if in future they develop symptoms of a condition that could affect safe driving and they hold either a Hackney Carriage and/or Private Hire driver licence, they must inform the Taxi and Private Hire Licensing Section (email: taxi.licensing@manchester.gov.uk)

Licence Renewal

Licensed Drivers are required to complete a declaration on the occasion of each renewal that since they were licensed they have no new medical conditions or that a medical condition that they currently have has worsened.

Equality Act 2010 – Medical Exemption Certificates

Application Form

General

1. The licensing unit will communicate via e-mail. Please ensure that your e-mail and other contact details are correct on the application form.
2. The MCC 'Medical Exemption Application Form' must be completed by the applicant and their GP. The GP must have access to the driver's full medical records.

The application form and any relevant medical records must be submitted (as a pdf document) to the Licensing Team or completed via e-mail to taxi.licensing@manchester.gov.uk

3. There is no fee attached to this process however the Council will not be responsible for any GP or Specialist costs (if any) associated with the completion of the application form, submission of further documentation or medical investigations
4. Drivers who wish to apply for a 'Medical Exemption Certificate' should download the MCC Medical Exemption Application Form using the following link:
XXXXXXXXXX and take the form with them to their pre-arranged GP appointment.
5. Once the form has been fully completed by the applicant and GP it should be sent within 28 days of being signed by the GP with any relevant documents (eg letter from GP or specialist report):-
 - as a **PDF document** (photo images are not acceptable) to taxi.licensing@manchester.gov.uk (in the subject heading please put **MEDICAL EXEMPTION** followed by your Badge Number). **or**
 - the documents can be handed in at the customer service centre at the Town Hall Extension, St Peters Square, Manchester M60 2LA **or**
 - by posted to Manchester City Council, PO Box 532, M60 2LA
6. Once submitted the application will be reviewed (within **10 working days** from the date of receipt by the taxi licensing unit) by a Senior Licensing Officer. and the applicant will be advised, within this timeframe:
 - If clarification or further medical evidence is required or
 - that a medical exemption has been granted or refused
7. If a driver does not agree with the decision of the Senior Licensing Officer the matter driver can decide:
 - Have the matter determined by the next available Licensing and Appeals Sub Committee (appeal against refusal to the Magistrates Court within 28 days of the date of refusal) or

- To make a direct appeal to the Magistrates Court (within 28 days of the date of refusal).

Medical Exemption Application Form – (To be completed by Driver and GP)

Medical Exemption, on medical grounds, from the duties to: assist wheelchair passengers or carry assistance dogs in accordance with Sections 165, 168 and 170 of the Equality Act 2010.

The information provided in this form will need to be verified by a general practitioner and/or medical specialist. This will require you to take this form to be completed to a GP (or medical specialist) who has access to your full medical records. You will also be required to give consent to the release of the relevant medical information to the Council.

PART A – to be completed by the driver

- You must be registered with the GP who will be completing this form
- The council is not responsible for any cost incurred in the completion of this form or any communication with your GP or in requiring any additional information from a Medical Specialist
- You will need to take either your DVLA photo card or passport with you to the GP/Specialist for identification verification purposes

Once completed the form should be sent to:

- Taxi Licensing Section, Manchester City Council, PO Box 532, M60 2LA
- Or by e-mail (as a PDF document) to taxi.licensing@manchester.gov.uk using the subject heading Driver Medical Exemption Certificate Application.

Please complete your details and

Section A (i) if you are applying for an exemption from ‘assisting passengers in a wheelchair’ **or**

Section A(ii) if you are applying for an exemption from carrying assistance dogs.

Surname							
First Names							
Address							
Post code							
Date of Birth	DD MM YYYY	Driver Badge Number					
Telephone Number		e-mail					
Vehicle details (Where applicable)							
Make		Model					
Registration Number		Plate number					
Does the vehicle have a compartment that separates the driver from the passengers?		YES		NO			
What exemption are you applying for? Please ✓							
Assist wheelchair passengers Please complete the questions in Section A(i)							
Carry assistance dogs Please complete the questions in Section A(ii)							

Section A (i) 'assisting passengers in a wheelchair'.

Please specify what your medical condition is and how your condition impacts on your ability to carry out the duties as required by the Equality Act 2010.

What is your medical condition – (please describe)

Do you take regular medication for this condition? (✓) Yes ☐ No

☐

Is this a current medical condition? (✓) Yes ☐ No

☐

If yes how long have you had this condition? Please give month and year
MM/YYYY

Is this a new medical condition? (✓) Yes ☐ No

☐

If yes how long have you had this condition? Please give month and year
MM/YYYY

Have you seen a specialist about your medical condition? (✓) Yes ☐ No

☐

If yes when was this? Please give month and year
MM/YYYY

Please say how your medical condition would stop you from assisting passengers in each of the following circumstances

(a) to assist passengers to get into or out of the vehicle

(b) If the passenger wishes to remain in the wheelchair, to enable the passenger to get in and out of the vehicle while in the wheelchair.

(c) To load the passenger's luggage into or out of the vehicle

(d) If the passenger does not wish to remain in the wheelchair to load the wheelchair into the vehicle.

Section A(ii) – Carrying of Assistance Dogs

Please specify what your medical condition is and how your condition impacts on your ability to carry out the duties as required by the Equality Act 2010.

What is your medical condition – (please describe)

Do you take regular medication for this condition? (✓) Yes ☐ No

☐

Is this a current medical condition? (✓) Yes ☐ No

☐

If yes how long have you had this condition? Please give month and year
MM/YYYY

Is this a new medical condition? (✓) Yes ☐ No

☐

If yes how long have you had this condition? Please give month and year
MM/YYYY

Have you seen a specialist about your medical condition? (✓) Yes ☐ No

☐

If yes when was this? Please give month and year
MM/YYYY

Please say how your medical condition would stop you from assisting passengers in each of the following circumstances

Allowing an assistance dog in your vehicle?

Where the vehicle **has a partition** between the driver and passengers?(delete if not applicable)

Where the vehicle **has no partition** between the driver and passengers? (delete if not applicable)

Declaration

I give consent for the information provided in this form, together with any relevant medical records or additional medical information form a specialist to be made available to Manchester City Council taxi licensing unit for the sole purpose of considering my application for an exemption on medical grounds, from the duties to assist wheelchair passengers in accordance with the requirements of the Equality Act 2010 (*delete as required)

I am aware that it is an offence by failing to comply with a duty imposed on a driver in relation to disabled persons who are in wheelchairs or the carrying of 'assistance dogs' unless you hold (and display) a medical exemption certificate. You could be liable upon conviction of a fine and you risk losing your private hire and or hackney carriage driver licence.

Applicant (Full) Name (print)

Applicant SignatureDate

.....

PART B - To be completed by Medical Practitioner

Background

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. Hackney Carriage (Taxis) and Private Hire vehicles are a vital link in the accessible transport chain and it is important that disabled people who use wheelchairs or use assistance dogs have confidence that the taxi they find on a rank or the private hire they book will assist them at no extra charge.

The Act allows Licensing Authorities to exempt drivers from the duties if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

In determining whether to issue an exemption certificate, the licensing authority will also have to consider a Doctor/Specialist report and whether this is a temporary or permanent condition.

The driver should have competed either

Section A (i) if applying for an exemption from ‘assisting passengers in a wheelchair’ **or**

Section A(ii) if applying for an exemption from carrying assistance dogs.

Before completing this form please read the relevant sections of the Act on page XX which detail the driver’s duties.

Medical Assessment

For completion by a *Medical Practitioner/Specialist who has full access to the patients’ Medical History.

Patient’s Details

Patients Full Name:

Date of Birth

Hackney Carriage and or Private Hire Driver Licence Number

Address

Post Code

Patient Identify.

I confirm that I have established the patient’s identification by viewing one of the following (please ‘tick’ as appropriate)

DVLA Photo card Licence ☐

Passport ☐

Notes for GP:

The use of the word likely should be interpreted as meaning that it could well happen, rather than it is more probable than not that it will happen. If the condition

has lasted more than 12 months, after the first occurrence, or is the condition one that will respond to treatment.

The person named above has applied for a Medical Exemption Certificate

Please complete either:

Section 1 if the application is for an exemption from 'assisting passengers in a wheelchair' or

Section 2 if the application is for an exemption from carrying assistance dogs

And Section 3 in all cases.

Section 1. Assisting passengers in wheelchairs

In your opinion, does this person have a medical condition or disability which would make it difficult for them to provide assistance as follows?

If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get in and out of the vehicle and secure the wheelchair in accordance to the vehicle specification.

***Yes / No * Not applicable (*delete as necessary)**

If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle together with any luggage.

***Yes / No *Not applicable (*delete as necessary)**

Please state what the medical condition is:

Is this a current medical condition? (✓) Yes ☐ No

☐

If yes when was it diagnosed

Please give month and year

MM/YYYY

Is this a new medical condition? (✓) Yes ☐ No

☐

If yes how long has the patient had this condition?

Please give month and year

MM/YYYY

Has the patient seen a specialist about the medical condition? (✓) Yes ☐ No

☐

If yes when was this?

Please give month and year

MM/YYYY

Is regular medication prescribed for this specific condition? (✓) Yes ☐ No

☐

If yes please specify the medication:

Section 2. Carrying Assistance Dogs

In your opinion, does this person have a medical condition or disability which would make it difficult for them to carry an assistance dog in?

A private hire vehicle which does not have a compartment that separates the driver from the passengers?

***Yes / No * Not applicable (*delete as necessary)**

A hackney carriage vehicle, which has a compartment that separates the driver from the passengers?

***Yes / No * Not applicable (*delete as necessary)**

Please state what the medical condition is:

Is this a current medical condition? (✓) Yes ☐ No

☐

If yes when was it diagnosed Please give month and year
MM/YYYY

Is this a new medical condition? (✓) Yes ☐ No

☐

If yes how long has the patient had this condition? Please give month and year
MM/YYYY

Has the patient seen a specialist about the medical condition? (✓) Yes ☐ No

☐

If yes when was this? Please give month and year
MM/YYYY

Is regular medication prescribed for this specific condition? (✓) Yes ☐ No

☐

If yes please specify the medication:

Section 3 – please FULLY complete

Please explain in writing – please use additional paper and or medicals records/notes as required.

- a) how this condition would affect the driver and prevent him/her from carrying out the duties as required under the Equality Act 2010 and .
- b) would taking treatment for the condition allow the driver to carry out his/her duties as required by the Equalities Act 2010
- c) Is the condition Permanent or temporary if temporary please indicate how long an Exemption Certificate should be issued for?

*(delete as required) *Medical Practitioner/Specialist

Full Name (please print)

Address:

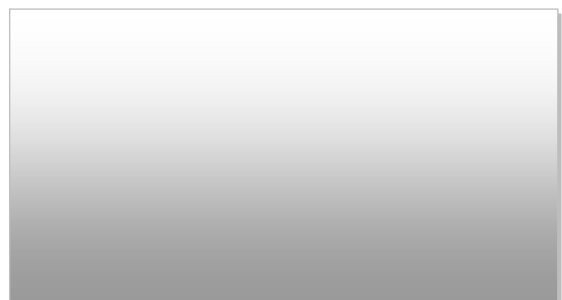
Post Code:

Contact number:

Signature:

Date

Official Practice/Hospital Stamp



Relevant Sections of the Act and Driver Duties

Section 165: Places duties on drivers of wheelchair accessible taxis or private hire vehicles to assist passengers who use wheelchairs:

- 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 the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort and
- To give the passenger such mobility assistance as is reasonably necessary

Section 166: Provides the authority for a licensing authority to issue an exemption certificate exempting the person from duties imposed by Section 165, where they are satisfied that it is appropriate to do so on medical grounds.

Section 168: Places duties on the driver of a hackney carriage vehicle:

- To carry a disabled persons assistance dog and allow it to remain with that person
- Not make any additional charge to do so

Section 169: Provides the authority for a licensing authority to issue an exemption certificate exempting the person from duties imposed by Section 168, where they are satisfied that it is appropriate to do so on medical grounds.

Section 170(3): Makes it an offence for a private hire driver to fail or refuse to carry out a booking accepted by a Private Hire Operator:

- For a booking made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person and
- The reason for failure or refusal is that the disabled person is accompanied by an assistance dog.

Section 171 Provides the authority for a licensing authority to issue an exemption certificate exempting the person from duties imposed by Section 170, where they are satisfied that it is appropriate to do so on medical grounds.