

## **Access for wheelchair users to taxis and private hire vehicles**

From 6 April 2017 drivers of taxis and private hire vehicles (PHVs) designated by the local licensing authority as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate.

Sections 160 to 173 relate specifically to taxis and private hire vehicles. Sections 165, 166 and 167 of the Equality Act 2010 deal with the imposition of duties on the drivers of wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs. Although sections 165 to 167, have been contained in the Disability Discrimination Act 1995, the Government have now commenced these sections, April 2017, in so far as they were not already in force.

### **Driver responsibilities;**

Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs.

The duties are:

- 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 required.
- To enable the passenger to get into or out of the vehicle;
- 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;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Once the duties are commenced, it will be an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them.

Although each situation will be different, we take the view that reasonable mobility assistance will be subject to other applicable law, including health and safety legislation. However, we would always expect drivers to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.

Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

It is our view that the requirement not to charge a wheelchair user extra means that, in practice, 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.

**THE METER SHOULD NOT BE TURNED ON UNTIL THE PASSENGER AND WHEELCHAIR ARE SAFELY ONBOARD.**

**If a driver of a designated wheelchair accessible vehicle fails to comply with the duties specified and any driver convicted would be liable to receive a level 3 fine which is currently £1,000.**

**Exemption**

Drivers can however apply for a medical exemption to undertake the carriage of a wheelchair accessible passenger and the duties associated with that carriage under Section 165 of the EA 2010. It will be at the discretion of the Council as to who it will accept that medical exemption from, i.e. the drivers own General Practitioner, or one that the Local Authority designates such as an occupational health Doctor. Any such medical requests or examinations will be undertaken at the drivers own expense.

Applications and decisions on medical or physical exemptions for drivers will be fairer and more objective if medical assessments are carried out by an appropriately qualified medical professional who is independent of the driver and this will be achieved by referring the driver/applicant to the Council's Occupational Health provider/assessor who is independent of the Council and such a request and referral for an exemption will be entirely at the applicants own expense.

**REMINDER RE: Assistance dogs**

A passenger with an assistance dog must be allowed into the taxi or private hire vehicle with their dog, unless the driver has an exemption certificate. This can be issued if they've got a medical condition made worse by contact with dogs.

A driver with an exemption certificate will have a 'Notice of Exemption' notice on their vehicle windscreen

It's illegal to charge extra to travel in a taxi or private hire vehicle with an assistance dog. Otherwise the driver could be fined up to £1,000.

The following types of dog can be taken with the passenger in taxis or private hire vehicles:

- guide dogs trained by the Guide Dogs organisation
- hearing dogs trained by Hearing Dogs
- assistance dogs trained by Dogs for the Disabled, Support Dogs or Canine Partners

Access for wheelchair users to private hire and taxi vehicles :

Training Session

Waverley B C - 0410/19 at 16.00 — Licensing room

Name	Signature