



St. Helens
Council

Hackney Carriage/Private Hire Driver Medical Exemption Certificate Procedure

Part 1 – Background

- 1.1 The Council's Medical Exemption Certificate Procedure applies to all drivers who are licensed by St. Helens Council who wish to apply for an exemption certificate under the Equality Act
- 1.2 The Equality Act 2010 places responsibility on service providers to make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.
- 1.3 The Council is committed to social inclusion and ensuring that disabled residents and visitors to the town have a wide variety of opportunities that will contribute to their quality of life. It fully supports the view of the Equality and Human Rights Commission that "Making successful journeys is critical to the social inclusion of disabled people. Without the ability to access suitable transport disabled people are denied opportunities in life". For this reason the Council considers it important that disabled residents and visitors have access to all forms of public transport.
- 1.4 It is important that individuals who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them, their wheelchair and/or their assistance dog to enable them to reach their destination at no extra charge.

Part 2 – Legislation

- 2.1 The Equality Act 2010 (s.165) places certain duties on drivers of wheelchair accessible Hackney Carriage and Private Hire vehicles;
 - i. To carry the passenger while in the wheelchair, and;
 - ii. Not to make any charge for doing so.
 - iii. Should the passenger choose to sit in a passenger seat, to carry their wheelchair,
 - iv. To take such necessary steps to ensure that the passenger is carried to safety and reasonable comfort and;
 - v. To give the passenger such mobility assistance as is reasonably required.
- 2.2 In addition to this the Act (s 168 & 170) also places the following duty on drivers of Hackney Carriage and Private Hire drivers:
 - i. To carry the passenger's (guide, hearing or assistance) dog, allowing it to remain with the passenger and not make any additional charge for doing so.
- 2.3 It is an offence (s 168) for the driver of a Hackney Carriage that has been hired by or for a disabled person who is accompanied by an assistance dog (or by another person who wishes to be accompanied by a disabled person with an assistance dog) to fail to carry the disabled person's dog and allow it to remain with that person or to

make any additional charge for doing so, unless an exemption certificate has been issued by St. Helens Council and that certificate is displayed within the vehicle.

- 2.4 It is an offence (s 170) for the Operator of a Private Hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle if the booking is made by or on behalf of a disabled person or a person who wished to be accompanied by a disabled person, and the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog. The Operator also commits an offence if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.
- 2.5 It is an offence (s 170) for the driver of a Private Hire vehicle to fail or refuse to carry out a booking accepted by the operator of the vehicle if the booking is made by or on behalf of a disabled person, and the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog, unless an exemption certificate from the requirement to carry assistance dogs has been issued by St. Helens Council.

Part 3 – Medical Exemption Certificates

- 3.1 In some circumstances a driver of a Hackney Carriage / Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, short or long term.
- 3.2 The Act (s 166) allows licensing authorities to grant 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.
- 3.3 The Act (s 169 & 171) also allows licensing authorities to grant exemption to drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so, on medical grounds.

Part 4 – Other Exemptions

- 4.1 There are no exemptions, medical or otherwise, for a Hackney Carriage / Private Hire driver in respect of conveying a reasonable quantity of luggage or providing reasonable assistance in the loading and unloading of luggage.
- 4.2 Hackney Carriage byelaws and Private Hire drivers licence conditions state that the driver must give reasonable help with luggage.
- 4.3 If a Hackney Carriage / Private Hire driver is unable to observe their licence conditions or the Council's byelaws in respect of hackney carriages, then they shall be subject to the Councils' approved Enforcement Policy which forms part of the Taxi Licensing Policy.

Part 5 – Application Process

- 5.1 In the first instance, the driver must obtain a written doctors note from their own GP (General Practitioner) detailing specifically;
 - i. what duties cannot be undertaken
 - ii. why they cannot be undertaken
 - iii. date the condition was first noted

- iv. for how long they cannot be undertaken
- 5.2 Along with the doctor's note, they must complete and submit an 'Application for Medical Exemption Certificate' Form (example attached) to the Licensing Authority. A non-refundable administrative fee will also need to accompany your application.
- 5.3 If the doctor's note states that the driver is unfit to carry passengers in wheelchairs and/or assistance dogs for a specified time period (up to a maximum of 3 months), a 'Temporary Exemption Certificate' will be issued with an expiry date in line with the information received on the doctor's note. When issued this must be permanently on display in your licensed vehicle for the duration of the exemption.
- 5.4 If the doctor's notice is not clear or is ambiguous in any way, the matter will be referred to the Licensing and Environmental Protection Committee for their consideration.
- 5.5 Upon the expiry of the Certificate, the Licensing Authority will deem drivers fit to undertake all duties and the Temporary Exemption Certificate and the said notice must be returned to the Licensing Office (Wesley House) within 7 calendar days commencing the day after the expiration date.
- 5.6 If the Temporary Exemption Certificate is not returned to the Licensing Authority, the driver's licence will automatically be referred to the Licensing and Environmental Protection Committee for consideration of further action.
- 5.7 If the driver expects the Temporary Exemption Certificate to be extended, then prior to the expiry date of the Certificate the driver will need to contact the Licensing Authority to discuss the next steps and timescales.
- 5.8 Should the situation described in 5.7 occur, the driver will receive an information pack containing the following;
- a letter of notification (example attached) advising that they will now be subject to a further medical referral.
 - a letter to present to their GP (example attached) which explains the exact requirements and;
 - a letter to present to the approved medical practitioner along with a statement of fitness (example attached).
- 5.9 The driver will be required to contact their own GP to arrange for a more in depth medical report to be compiled (the cost of which must be borne by the driver) and following receipt of this, will then be required to make an appointment with an approved medical practitioner (list attached), the costs of which will be borne by the driver. The medical practitioner will complete the Statement of Fitness on the applicant's capability to undertake the duties in terms of their medical grounds and/or physical condition and for how long.
- 5.10 The driver will then need to submit the reports of both their own GP and the approved medical practitioner to the Licensing Authority for determination.

Part 6 – Application Outcome

- 6.1 If the statement confirms that the driver is able to undertake the duties and is fit for work, the Temporary Exemption Certificate must be returned to the Licensing Office and the driver will be expected to resume normal duties. Failure to do this would result in the driver being referred to the Licensing and Environmental Protection Committee to consider further action.
- 6.2 If the statement confirms that the driver is able to undertake duties with reasonable adjustments, a further Temporary Exemption Certificate of up to 3 months may be issued. It is expected that within those 3 months the driver will undertake the reasonable adjustments to allow a return to full duties. At the end of this 3 months, the Temporary Exemption Certificate must be returned to the Licensing Office and the driver will be expected to resume normal duties. Failure to do this would result in the driver being referred to the Licensing and Environmental Protection Committee to consider further action.
- 6.3 If the statement confirms that the driver is temporarily unfit to carry passengers in wheelchairs and/or assistance dogs, a Temporary Exemption Certificate will be granted for the length of time as determined by the Licensing Authority, taking into account the advice of the approved practitioner. . The driver will then be expected to attend a further assessment/consultation with the approved practitioner prior to the expiry date of the Temporary Exemption Certificate.
- 6.4 Should the driver be declared permanently unfit to carry passengers in wheelchairs and/or assistance dogs an Exemption Certificate (example attached) will be issued. The Certificate will include a colour photograph of the driver who has been granted the Exemption and must be displayed prominently in the vehicle for public viewing. The exemption certificate may be reviewed every 1-5 years, to ascertain if the situation has remained the same.
- 6.5 If the driver disagrees with the medical recommendation and subsequent determination by the Licensing Authority, the matter will be referred to the Licensing and Environmental Protection Committee for their consideration.

Part 7 – Appeals Procedure

- 7.1 If a driver does not agree with the decision of the Committee they are able to appeal the decision to the Magistrates Court. The driver has 28 days from the date of the refusal to appeal.

Examples Attached

Application Flow Chart
Application Form
Temporary Exemption Notice
Notification Letter (Driver)
Notification Letter (GP)
Notification Letter (Medical Practitioner)
Statement of Fitness

Medical Exemption Flow Chart

