



### **Consultation Document**

#### **Proposed Addition to Stroud District Council's Taxi & Private Hire Policy**

#### **Implementation of Section 167 Wheelchair Accessible Vehicle List**

#### **1. Proposal**

- 1.1 Section 167 of the Equality Act 2010 allows The Council to maintain a list of 'designated' Wheelchair Accessible taxis and private hire vehicles. Stroud District Council proposes to adopt this list and is currently seeking comments. The proposed criteria for a vehicle to be included on this list is that it can carry at least one wheelchair with the passenger remaining seated in that wheelchair, should they wish to, for the duration of the journey.

#### **2. Duties of Drivers of Wheelchair Accessible Vehicles on the List**

- 2.1 Section 165 places certain duties on drivers of 'designated' wheelchair accessible Hackney Carriage and Private Hire Vehicles. Those duties include:
- To carry the passenger whilst in the wheelchair,
  - Not to make any additional charge for doing so,
  - If the person chooses to sit in a passenger seat, to carry the wheelchair,
  - To take such steps as are reasonably necessary to ensure the passenger is carried in safety and reasonable comfort; and
  - To give the passenger such mobility assistance as is reasonably required.

#### **3. Offences**

- 3.1 Once adopted, drivers of vehicles 'designated' on the list will be subject to the requirements of the Act making it a criminal offence to refuse a passenger in a wheelchair or charge an additional fee. If a driver is prosecuted for this offence they could be subject to a fine not exceeding £1,000.

#### **4. Medical Exemption Certificates**

- 4.1 A Medical Exemption Certificate can be applied for on medical grounds or because a driver's physical condition makes it impossible or unreasonably difficult to comply with any of the above duties. The driver will need to complete a Medical Exemption Certificate application form and provide this to the Licensing Section along with a letter obtained from their own GP explaining:
- What duties the driver cannot undertake,
  - Why the duties cannot be undertaken,
  - For how long the duties cannot be undertaken.



## STROUD DISTRICT COUNCIL

Ebley Mill • Ebley Wharf • Stroud • Gloucestershire • GL5 4UB  
Telephone 01453 766321 • Facsimile 01453 750932  
[www.stroud.gov.uk](http://www.stroud.gov.uk)

- 4.2 An application for a Medical Exemption Certificate will be rejected if the GP's letter is not clear or is ambiguous in any way or lacks sufficient detail. The cost of obtaining the letter from the GP must be paid for by the driver.
- 4.3 If an application for a Medical Exemption Certificate is successful the driver will be provided with an exemption notice that must be clearly displayed in the front windscreen of the vehicle. If the exemption notice is not displayed clearly in the vehicle then the driver could be prosecuted for failure to comply with their duties under Section 165 of the Act.
- 4.4 The exemption notice must be removed from the vehicle if the vehicle is being driven by another driver.
- 4.5 If the driver's GP letter states that the driver is unfit to carry passengers in wheelchairs and/or assistance dogs for a specified period of time (up to a maximum of three months), a 'Temporary Exemption Notice' will be issued by the Licensing Section with an expiry date in line with the information provided from the GP.
- 4.6 Upon expiry of the Temporary Exemption Notice, the Licensing Section will deem the driver fit to undertake the duties and the Temporary Exemption Notice must be returned to the Licensing Section within 7 days.
- 4.7 If the driver requires the Temporary Exemption Notice to be extended beyond the period of three months, the driver will need to obtain a new letter from their GP and submit a new Medical Exemption Certificate Application prior to the Temporary Exemption Notice expiring.
- 4.8 If an application for a Medical Exemption Certificate is refused, the driver concerned may appeal against the decision to a Magistrate's Court within 28 days beginning with the date of refusal.

The Licensing Section welcomes comments on this proposal. **The Consultation period for this proposal is 30th May 2018 to 27th July 2018.**

Comments can be sent by email to [licensing@stroud.gov.uk](mailto:licensing@stroud.gov.uk)

or posted to:

Licensing Section  
Stroud District Council  
Ebley Mill  
Ebley Wharf  
Stroud  
GL5 4UB