

## EQUALITY ACT 2010

### APPLICATION FOR EXEMPTION FROM THE DUTIES ON DRIVERS OF DESIGNATED VEHICLES UNDER SECTION 165



#### APPLICANT'S DETAILS

Title:	First name(s):	Surname:
Postal Address:		
Post Town:	Post Code:	
Phone (Home):	Phone (Mobile):	
e-mail address:		
Date of Birth:	Badge Number:	

Are you currently licensed to drive:

Hackney Carriages		Private Hire Vehicles		Both (Dual Licence)	
-------------------	--	-----------------------	--	---------------------	--

Are you applying from exemption from the duties:

On a permanent basis		For a temporary period of time	
----------------------	--	--------------------------------	--

If you are applying for exemption from the duties for a temporary period of time, when do you want the exemption to expire:

--

In your own words, please explain why you are requesting exemption from the duties imposed by section 165 of the Equality Act 2010: (please see guidance notes attached)

#### CHECKLIST

I have enclosed the following:

Supporting evidence, including a letter or report from my general practitioner



#### DECLARATIONS

I declare that the information given above is true to the best of my knowledge and that I have not wilfully omitted any necessary material.

I understand that the Authority is collecting my data for the purposes described on this form and will not be used for any other purpose, or passed on to any other body, except as required by law, without my consent.

I understand that the Authority is under a duty to protect the public funds it administers, and to this end may use the information I have provided on this form for the prevention and detection of fraud. I understand that it may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Signature:

Print Name:

Date:

Please return this form with all relevant documents to:

Redditch Borough Council, Town Hall, Walter Stranz Square, Redditch, Worcestershire, B98 8AH

## **Guidance notes**

### **The Duties Placed on Drivers of Designated Vehicles**

Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible hackney carriage and private hire vehicles.

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.

The Act then goes on to define mobility assistance as assistance:

- 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.

It is an offence for the driver (unless exempt) of a hackney carriage or private hire vehicle which is on the licensing authority's designated list to fail to comply with these duties.

### **Exemptions from the Duties Placed on Drivers of Designated Vehicles**

Some drivers may 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. That is why the Act allows licensing authorities to grant exemptions from the duties to individual drivers.

Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties.

If a licensed driver wishes to obtain an exemption from the duties placed on them under section 165, they must complete the relevant application form and submit this to the licensing authority alongside relevant supporting evidence. The supporting evidence must include a letter or report from the licensed driver's general practitioner.

If required, a licensed driver seeking to obtain an exemption from the duties must submit to an examination by an independent medical practitioner appointed by the licensing authority.

The decision as to whether an exemption is granted and for how long, will be taken by the Head of Worcestershire Regulatory Services.

If the exemption application is successful then the licensing authority will issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle.

If the exemption application is unsuccessful, the applicant will be informed in writing within a reasonable timescale and provided with a clear explanation of the reasons for the decision.

Section 172 of the Act enables drivers to appeal against the decision of the licensing authority not to issue an exemption certificate. That appeal should be made to the Magistrate's Court and must be made within 28 days beginning with the date of the refusal.