

Department of Place

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Date: 02 January 2018

Dear Mr Paulley,

Reference No: FOI- Nov 19- Internal review of my FOI request 'S167 List of Accessible Taxis: update after 6 months - C no fixed previous date

I write in response to your request for an internal review following your Freedom of Information Request 04th November 2017. In order to respond to your request and establish events I have included a timeline with actions below.

FOI- Nov 19

- The Council received your FOI request dated 04th November 2017 and this was sent to the Licensing Service 06th November 2017
- Your FOI was researched and a response was compiled by an officer and sent to the Licensing Manager for authorisation.
- A response to your request was sent to you 28th November 2017
- You then responded on the 07th December 2017 asking for an internal review stating that you were not provided with a full response to your request.

Having reviewed your request I can now provide you with the following information. For ease of reference I have included each question in bold followed by a response.

4) If you don't have a S167 list but do intend to produce one, please provide information in response to questions 4a) and 4b) below.

4a) Please indicate when you intend to have the list in place.

Response

The Licensing Service can not give a definite date but intends to introduce a list in a manner conforming with S167 within the next 6 months.

5) Irrespective of whether you have created a list or not or indeed whether you intend to create such a list, since 2010 you have been obliged to process applications under Section 166 of the Equality Act for driver medical exemptions from the duty to transport and not discriminate against wheelchair users. The Guidance states; "the Act allows LAs to grant

exemptions from the duties to individual drivers. These provisions are contained in section 166, and were commenced on 1st October 2010."

5a) How many exemptions have you granted under S166 of the Equality Act 2010?

Response

No exemptions have been granted under S166 of the Equality Act 2010.

5b) The guidance states: "We understand that some licensing authorities have already put in place procedures for accessing and exempting drivers, and as an absolute minimum, we think that the evidence provided should be in the form of a letter or report from a general practitioner."

Do you accept or require a letter or report from a GP to process applications for driver exemption under S166?

Response

The Licensing Service would require a letter or a report from a GP or other health professional to process applications for a driver to be exempt from S166 of the Equality Act 2010.

5c) The guidance states: "The Government's view is that decisions on exemptions will be fairer and more objective if medical assessments are undertaken by professionals who have been specifically trained and who are independent of the applicant. We would recommend that independent medical assessors are used where a long-term exemption is to be issued, and that LAs use assessors who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant"

Have you appointed independent medical assessors to determine applications for medical exemption under S166?

5d) please provide a copy of your application form for driver exemption under S166.

Response

The Licensing Service does not have a copy of an application form, however a request for a medical exemption would be made by the applicant in the form of a letter or electronic communication. The Licensing Service would then make an assessment on whether the applicant would be exempt from their duties under S165 on the basis of medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

5e) the guidance states: "Section 172 of the Act enables drivers to appeal against the decision of a LA not to issue an exemption certificate. That appeal should be made to the Magistrate's Court, or a sheriff in Scotland, and must be made within 28 days beginning with the date of the refusal."

How many appeals against refusal to issue S166 exemptions have been heard?

Response

None

5f) How many appeals against refusal to issue S166 exemptions were successful?

Response

None

Conclusion

All though a response was provided to you by the Licensing Service within the required period in accordance with the Freedom of Information Act, on reviewing the responses given at the time I have concluded that you should have been provided with more detailed information to the questions you asked this was a genuine oversight on our part that has now been rectified under a review. I hope you now find the responses and information given above adequate and to your satisfaction.

If you are still not satisfied with the outcome of the internal review you have the right of appeal to the Information Commissioner who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Tel: 01625 545700 URL: <http://www.informationcommissioner.gov.uk>

Yours sincerely,

Licensing Service.