



**The transport of wheelchairs and assistance dogs
in taxi and private hire vehicles**

Policy adopted by Nuneaton & Bedworth Borough Council
on 13th October 2018

1.0 General Requirement

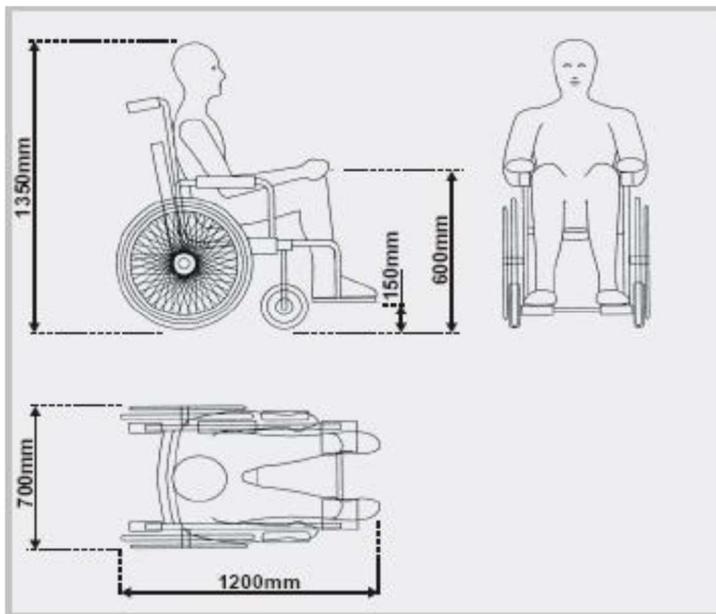
- 1.1 This document has been produced as guidance to drivers and proprietors of hackney carriages (subsequently called taxi's and private hire vehicles in respect of the carriage of passengers in wheelchairs and assistance dogs following in the introduction of the Equality Act 2010.
- 1.2 Taxis and private hire vehicles provide a vital service to people with disabilities and medical conditions and, through this policy, we intend to ensure that these services remain accessible to such persons. This aim is supported by relevant statutory provisions within the Equality Act 2010.
- 1.3 The Equality Act 2010 requires employers and service providers to make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers. Nuneaton and Bedworth Borough Council (NBBC) ("The Council") is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and private hire vehicles are a vital link in the accessible transport chain and it is important that people who use wheelchairs or assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.
- 1.4 NBBC also expect that those working in the taxi and private hire trade should not be discriminated against by any other person, and strongly encourage those who are subject to such discrimination to report this to the police for investigation.

2.0 Passengers in wheelchairs

- 2.1 In 1990 the Council agreed that any new hackney carriage licence issued should carry a condition requiring the vehicle to be wheelchair accessible. Any licences in existence prior to that would not be so conditioned and a licence could continue granted to a non-wheelchair accessible vehicle.
- 2.2 This means that vehicles will only be licenced if they are designed and constructed to safely load and carry passengers while seated in a wheelchair, with dimensions of at least those of a '**reference wheelchair**' (see section 2.4). Licence conditions will require such vehicles to carry (or be fitted with) loading equipment (ramps or lift), and appropriate restraints and seatbelt fittings to safely secure wheelchairs and their occupants.
- 2.3 It is anticipated that the 'reference wheelchair' dimensions will cover the majority of manual wheelchairs. However, we recognise that some wheelchairs with specialist functionality, or motorised wheelchairs and mobility scooters, may exceed these

dimensions and may not be able to be loaded and carried safely in all designated taxis. In such cases, drivers will be expected to assess whether the passenger can be safely carried in their vehicle, to carry the passenger if their safety and reasonable comfort can be assured, or otherwise to assist them in locating a suitable alternative vehicle where this is practicable. Such circumstances may constitute a defence to the above-mentioned offence. In all cases, we expect drivers to treat passengers with respect and sensitivity, and to provide a clear explanation to the passenger as to why they have not been able to convey them.

2.4 A 'reference wheelchair' is defined by NBBC as having the following dimensions



Length: 1200mm (approx. 48")

Including footplates

Width: 700mm (28")

Total seated Height: 1350mm (54")

Height of Footrest: 150mm (6")

Provided by Disabled Persons Transport Advisory Committee (DPTAC) in 2001

2.5 Vehicles which are not capable of loading and carrying a wheelchair with the dimensions of the above 'reference wheelchair' are likely to be considered unsuitable for licensing, and an application for such refused.

2.6 All licensed hackney carriages which can safely carry passengers in a reference wheelchair will be designated under section 167 of the Equality Act 2010, from when they are first licensed. This will mean that drivers of those vehicles will have specific legal duties in respect of passengers in wheelchairs, regardless of whether they have hired the vehicle themselves or are accompanying the hirer, 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,
- * To give the passenger such mobility assistance as they reasonably require, including 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, and
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

2.7 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. In some circumstances a driver of a designated taxi or private hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term. (See section 2.11)

2.8 Vehicle proprietors may appeal against designation of their vehicle to a magistrates' court, and further details will be issued with confirmation of designation.

2.9 A list of designated taxis and private hire vehicles will be maintained and published on our website.

2.10 For assistance of the public an additional list of taxis capable of carrying larger wheelchairs than the 'reference wheelchair' will also be added to the web site with the operator contact details.

2.11 Drivers of designated vehicles may apply to the Council for an exemption certificate, if they have a medical or physical condition which would mean they could not carry out the above duties safely. Further details on how such applications will be considered are set out below. Where an exemption certificate has been issued and is properly displayed in the vehicle, the driver will be exempted from such duties as appropriate. Exemptions are specific to **an individual driver**, and will not provide a defence for any other driver of a designated vehicle.

2.12 The following additional conditions will apply to vehicle licences for designated taxis:

- * Appropriate Wheelchair Tie-down and Occupant Restraint Systems (WTORS) for securing a 'reference wheelchair' and occupant must be carried in the licensed vehicle at all times, and maintained in good order. Equipment should be clearly labelled to show the level/standard to which tested.
- * The vehicle must be fitted with or otherwise carry either a ramp or a lift for loading passengers while seated in a 'reference wheelchair', designed for that specific purpose, maintained in good order, and with visible marked reference to a safe working load (SWL) of at least 250kgs and certification to BS 6109 (or equivalent standard).
- * All drivers of the licensed vehicle must be trained by the proprietor in the safe usage of the equipment referred to in the preceding paragraphs.
- * Where a lift is fitted to the licensed vehicle, evidence of thorough inspection by a competent person under the Lifting Operations and Lifting Equipment Regulations (LOLER) must be provided to the licensing authority, at 6-monthly intervals.

2.13 Taxi meters should not be started until all passengers have been loaded and the driver is ready to commence the journey, and should be stopped upon arrival at the destination, before any unloading activities take place.

3.0 Passengers with assistance dogs

3.1 Sections 168 and 170 places the following duty on drivers of taxis and private hire vehicles:

- * To carry the passenger's assistance dog, allowing it to remain with the passenger and not make any additional charge for doing so.

3.2 "assistance dog" means—

- a dog which has been trained to guide a blind person;
- a dog which has been trained to assist a deaf person;
- a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
- a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;

3.3 A driver who fails to comply with any of the above is guilty of an offence and may receive a fine if convicted. In some circumstances a driver of a designated taxi or private hire vehicle may also be referred to Licensing Committee and may lead to revocation or suspension of licences.

3.4 Private hire operators are also under a duty to take bookings from passengers with assistance dogs, with no additional charge made for carrying the assistance dog.

3.5 There is no specific legal duty to carry non-assistance dogs (e.g. pet dogs) or other animals in taxis or private hire vehicles, and doing so will remain at the driver's discretion.

4.0 Exemption certificates in General

4.1 The Equality Act 2010 allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with these duties.

4.2 Section 166 of the Act allows this Licensing Authority to exempt 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.

4.3 Sections 169 and 171 of the Act allow licensing authorities to exempt drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so on medical grounds.(See section 4.5)

- 4.4 The Council expects that the vast majority of licensed drivers will be able to carry out the duties in full, and as such will require evidence of exceptional circumstances to justify the issue of an exemption certificate. As guidance, only a serious condition which would endanger either the safety or wellbeing of the driver, their passenger(s) or the general public if the duties were strictly enforced, is likely to provide sufficient justification for the issue of an exemption certificate.
- 4.5 An application form for applying for an exemption certificate is available on request from the Licensing Section. This should be completed in full, and submitted **with** accompanying documents from an appropriate medical professional involved in diagnosis or treatment of the relevant condition, setting out the effect of the condition, the long-term prognosis, and the risk to public safety if an exemption is not granted to the driver. Evidence from a medical professional with no involvement in the diagnosis or treatment of the condition is unlikely to be considered acceptable. All costs in relation to medical professionals will be at the cost of the applicant.
- 4.6 Where an allergy or phobia to dogs is cited as grounds for an exemption, we will expect to see evidence of allergen testing results, clinical history, psychological screening results, or similar with an application for exemption. A simple statement that the driver has declared such an allergy or phobia is unlikely to be considered sufficient justification of a medical condition which would warrant the issue of an exemption. A minor allergic reaction which does not affect the driver's ability to safely drive a vehicle or their overall welfare is also unlikely to warrant an exemption.
- 4.7 Exemption certificates will typically be issued for a fixed period. If the driver is declared temporarily unfit, a temporary exemption certificate of up to three months may be issued. Prior to the expiry of the temporary exemption certificate **the driver** will contact the Licensing Section to either;
- declare themselves fit, return to normal duties and return the temporary exemption certificate; or
 - arrange a further medical assessment to be submitted for the Principal Officer (Licensing) to consider extending the exemption certificate.

For ongoing or lifelong conditions, the exemption will usually be issued for the same duration as the licence, and will be reassessed as part of the medical checks when the licence is renewed.

- 4.8 Exemption certificates must be displayed within the licensed vehicle while the exempted driver is using it and removed if the vehicle is to be driven by another driver.
- 4.9 If an application for an exemption certificate is refused, the applicant concerned may appeal against that decision to a magistrates' court, and further details will be issued with the refusal notice.

CJ/JAL
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