

BRECKLAND DISTRICT COUNCIL

Report of: Craig Fowler – Environmental Health & Licensing Manager

To: Licensing Committee

Author: Josie Hoven – Senior Licensing Officer

Subject: Medical Exemption Policy – Breckland Taxi Policy

Purpose: To review a new section for the Taxi Policy following changes to the Equality Act 2010.

Recommendation(s): That the committee review and approve the proposed Medical Exemption Policy, so that it can be included in the Breckland Taxi Policy and Procedures with immediate effect.

1.0 BACKGROUND

- 1.1 On 28th June 2022 the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 came into effect making changes to The Equality Act 2010. Those changes introduced new and amended existing duties for local authorities and hackney carriage/private hire drivers and operators alike.
- 1.2 The aim of the 2022 Act is to ensure that disabled people can use taxi and private hire services with confidence, that they will not be discriminated against, and assistance will be given where required.
- 1.3 The licensing team contacted all licensed drivers and operators to advise of these changes. The act allows an exemption to be applied for should a driver be unable to carry out the duties required under the Equality Act 2010 on medical grounds. We wish to add a section to the Breckland Taxi Policy and Procedures that formally sets out the procedure for applying for exemption from those duties – the Medical Exemption Policy.
- 1.4 The new section advises that an application for exemption can be made using the new application form which must be completed by a GP.
- 1.5 If accepted, the applicant will be given an exemption certificate to display in the vehicle they are driving. This enables anyone approaching the vehicle to see that the driver is exempted from assisting. The exemption certificate can be time limited (i.e. due to injury a driver is exempted from duties for 3 months) or a permanent exemption which would be reviewed at each renewal application (three years). A copy of the proposed Medical Exemption Policy is attached as **Appendix A**.

2.0 OPTIONS

- 2.1 Having regard to the changes made to the Equality Act 2022 and the Breckland Taxi Policy and Procedures, members have the option to:

1. Approve the new Medical Exemption Policy and agree adoption into the current Breckland Taxi Policy and procedures

2. Make amendments to the new Medical Exemption Policy and agree adoption into the current Breckland Taxi Policy and Procedures
3. Do nothing

3.0 REASONS FOR RECOMMENDATION(S)

- 3.1 Breckland Council adopted its new Taxi Policy and Procedures document in January 2022. The document outlines the procedures for all matters related to taxi licensing. It therefore makes sense that this section be included to update the Policy with the procedure for medical exemption and will assist with legal compliance with current legislation.
- 3.2 To do nothing would not achieve legal compliance and keep abreast of current legislation, nor would it provide the required degree of clarity to customers and enforcement officers.

4.0 EXPECTED BENEFITS

- 4.1 Breckland is a mainly rural area and the licensed taxi trade provides a vital public service where many people do not have access to other transport provision.

This new section to the policy provides clear guidance on how to apply for a medical exemption and provides clarity on the certificate that must be displayed if an exemption is in place ensuring compliance by drivers and operators and clarity for customers who will be able to see an exemption certificate displayed in the vehicle.

5.0 IMPLICATIONS

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

6.0 WARDS/COMMUNITIES AFFECTED

- 6.1 All.

7.0 ACRONYMS

- 7.1 GP – General Practitioner

Background papers:- Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

<https://www.legislation.gov.uk/ukpga/2022/29/section/1/enacted>

Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/contents>

Breckland Taxi Policy and Procedures https://www.breckland.gov.uk/media/19648/Breckland-Council-Hackney-Carriage-and-Private-Hire-Vehicle-policy/pdf/Taxi_Policy_FINAL.pdf?m=637961429490370000

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report: (list appendices below or delete)

Appendix A Proposed Medical Exemption Policy and copy of the medical exemption application form