



If calling please ask for: Alex Barson  
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Our ref: AXB/Bespoke

Your ref:

Date

Dear Sir/Madam

**Equality Act 2010  
Access for Wheelchair users to Taxis and Private Hire Vehicles  
Notification that vehicle has been designated under Section 167 of the Equality Act 2010**

I am writing to make you aware of a recent change in legislation that relates to drivers of wheelchair-accessible taxis and private hire vehicles.

From the 6<sup>th</sup> April 2017, Section 165 of the Equality Act 2010 (The 'Act') places a legal duty on drivers of designated wheelchair-accessible taxis and private hire vehicles to:

- Transport the passenger while in the wheelchair;
- Not make any additional charge for doing so (For instance - A meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment);
- If the passenger chooses to sit in a passenger seat, to transport the wheelchair;
- Take such steps as are necessary to ensure that the passenger is transported in safety and reasonable comfort; and
- Give the passenger such mobility assistance as is reasonably required.

A non-compliant driver is liable to prosecution and a fine of up to £1,000, unless a medical exemption applies (Further details overleaf). The driver's continued fitness to hold a licence may also be reviewed.

**Designated wheelchair-accessible vehicles (Section 167 of the Equality Act 2010)**

All taxis in Chichester are wheelchair-accessible and have been designated as such under Section 167 of the Act. A list of designated wheelchair-accessible private hire vehicles has been created and is available to view via our website ([Website link](#)). This list will be updated regularly.

Please take this letter as confirmation that your wheelchair-accessible vehicle (WAV) has been designated under Section 167 of the Act. If you have more than one vehicle of this type then all WAV licensed with Chichester District Council will have been designated.

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If you disagree with the decision that your vehicle(s) is wheelchair-accessible, you may appeal the decision via the Magistrates' Court, stating that you wish to appeal against the decision and apply for a summons against the Council. A valid appeal must be lodged within 28 days of your vehicle first being designated by us as being wheelchair-accessible i.e. the date of this notification letter.

For further details regarding the appeals process please contact Sussex Magistrates' Court Administration Centre direct on 01273 670888 and select option 4 for Magistrates' Court enquiries.

### **Medical exemption from the requirement to carry a wheelchair user**

The only grounds for exemption are medical, or that a physical condition makes it impossible or unreasonably difficult for a driver to comply with these duties. Applications for exemptions must be made to Chichester District Council. For full details of the application process please contact the Licensing Team on 01243 534744.

Any such application will need to be supported by a letter from the driver's doctor or specialist detailing the following:

- What duties cannot be undertaken;
- Why they cannot be undertaken;
- Date the condition was first noted;
- Whether there are any modifications to the vehicle or the way the driver provides the service that would negate the need for an exemption;
- For how long the medical exemption will be required for; and
- To provide any medical reports in support of the request being made.

All costs associated with medical assessments will need to be borne by the driver.

If Officers of the Licensing Team have any concerns in relation to granting the exemption then the matter will be referred to the Licensing (General Purposes) Sub-Committee to determine.

### **Safe loading, transporting and unloading of wheelchair users**

It is the expectation of the Council that the driver of a wheelchair-accessible taxi or private hire vehicle is fully conversant in terms of loading, securing and unloading a wheelchair user safely.

It is acknowledged that there are lots of different wheelchairs in operation. Therefore the driver should be aware of any limitations that the vehicle may have in relation to different types of wheelchairs. For instance, any weight limits in relation to ramps. The majority of ramps installed in a taxi or private hire vehicle have a minimum safe working load of 250kgs to 300kgs (39st to 47st). The maximum weight will be stated on the ramp. Average weight of an electric wheelchair is 100kgs – 150kgs (16st to 23st). The maximum weight will be stated on the wheelchair.

On the very rare occasion that it is not possible to safely transport the wheelchair user, then please communicate this to the customer in a polite and courteous manner and assist them with making contact with a driver or operator of a suitable vehicle that may be able to transport the customer safely. The Act does allow for a refusal to be made under these circumstances, but only if there are legitimate concerns about being able to transport the wheelchair user safely.

If you have any questions in relation to the above, then please do not hesitate to contact a member of the Licensing Team.

Yours sincerely



Alex Barson

Licensing Technician

Housing & Environment Services