

Southampton & Eastleigh Licensing Partnership

Legal and Democratic Services
Eastleigh Borough Council
Eastleigh House
Upper Market Street
Eastleigh SO50 9YN
Direct dial: 023 8083 3002
Our ref: Reference

Please address all correspondence to:
Licensing
PO Box 1767
Southampton SO18 9LA

E-mail: licensing@eastleigh.gov.uk
Please ask for: Taxi Licensing



Name
Address 1
Address 2
Address 3
Address 4
Address 5

Date

Dear Name,

EQUALITY ACT 2010

Since the commencement of the Equality Act 2010 your vehicle (Vehicle Registration) has been included on a list of wheelchair accessible vehicles published on our website. We now write to advise you, as the proprietor of a wheelchair accessible vehicle, that sections 165 and 167 of the Equality Act 2010 have come into effect.

These provisions allow a Licensing Authority to create a list of "designated vehicles" which are capable of carrying passengers in wheelchairs (s.167). Designated vehicles which are used for contract hire only, and therefore not available for general day to day hire, have been marked as such. This ensures the passengers are protected from disability discrimination and the public have no expectation to be able to hire from the list. If your vehicle ceases to be used exclusively for contact work the proprietor must inform the Licensing Authority. It is possible to appeal to the Magistrates' Court against the Licensing Authority's decision to include your vehicle on the list. Any appeal must be within 28 days.

Once vehicles are designated as being wheelchair accessible, the drivers of such vehicles are subject to duties under section 165 of the Act. Please ensure your drivers are made aware that the duties imposed by the legislation on them are:

- (a) To carry the passenger while in the wheelchair;
- (b) Not to make any additional charge for doing so;
- (c) If the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- (d) To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- (e) To give the passenger such mobility assistance as is reasonably required.

And mobility assistance:

"is assistance-

- (a) To enable to passenger to get into or out of the vehicle;
- (b) If the passenger wishes to remain in the wheelchair, to enable to passenger to get into and out of the vehicle while in the wheelchair;
- (c) To load the passenger's luggage into or out of the vehicle;
- (d) If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Failure to provide mobility assistance or to carry the passenger or discharge any of the other duties

If you require this letter or future correspondence from us in a different format (e.g. tape, Braille or disc) please do not hesitate to let us know.

contained in s.165(4) is a criminal offence by virtue of subsection (8).

The legislation does contain an exemption provision in Section 166. If drivers have a medical condition, disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require, they may apply for an exemption, please contact Licensing.

Sections 168 - 171 of the Equality Act 2010 relate to the carriage of guide dogs and other assistance dogs. Where exemptions to carry guide dogs etc. have already been made by us under previous legislation they will continue to have effect as though they had been made under the Equality Act 2010.

Yours sincerely,

Phil Bates
Licensing Manager

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