

# **Guide Dogs response to Newcastle-under-Lyme Borough Council's Hackney Carriage and Private Hire Licensing Policy**

**12/02/19**

## **Summary**

Guide Dogs provides mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility work we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms. There are an estimated 19,120 people with vision impairments living in Staffordshire, of which about 103 are guide dog owners.

Taxis and private hire vehicles (PHVs) and the door to door service they provide are essential for disabled people. In particular, they are essential for the independence of blind and partially sighted people, who are often unable to drive or use public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners: a Guide Dogs survey found that 42% of assistance dog owners were refused by a taxi or PHV driver in a one-year period because of their dog – despite this being a criminal offence under the Equality Act 2010. Such access refusals can have a significant impact on assistance dog owners' lives, leading to feelings of anger and embarrassment and a loss of confidence and independence. We are therefore pleased to see that the proposed policy 'seeks to ensure that transport for those with a disability will be provided'.

## **Key recommendations:**

- The policy should clearly state that all drivers are under a duty to carry, free of charge, any assistance dog. We advise highlighting within the policy that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence.
- Medical exemption certificates to exempt drivers from their duty to carry an assistance dog should be accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'.
- The mandatory disability equality training should include information regarding the carriage of assistance dogs and their obligations under the Equality Act 2010. The training should focus on the concept of people being disabled by society's barriers and attitudes and highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.
- The policy should state that the Newcastle-under-Lyme Borough Council Licensing Authority will use its best endeavours to investigate all

reported violations of the Act in a timely manner with a view to pursuing a conviction.

- The policy should state that the Newcastle-under-Lyme Borough Council Licensing Authority will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.

### **Highlighting obligations under Equality Act 2010 in respect of Assistance Dogs**

We advise that the policy should specify that all drivers are under a duty to carry, free of charge, any assistance dog. We advise highlighting within the policy that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence.

Currently, the policy makes reference to this duty in the negative, by stating in paragraph 38 of Appendices B, D and G that the duty under another paragraph (31 in Appendices B and 32 in Appendices D and G) does not remove or reduce the duty under the Equality Act to carry assistance dogs.

Further, paragraph 31 in Appendix B refers to the duty to not smoke or vape whilst in a licenced vehicle; paragraph 32 in Appendix D refers to ensuring a policy of insurance is in force; and paragraph 32 in appendix G refers to the requirement to attend a vehicle test. We believe that paragraph 38 in these appendices may instead intend to refer to paragraph 37, which details the driver's discretion to carry an animal.

Further, guide dog owners in the local area have expressed concern of access refusals which take the form of not stopping the car when they see the dog. We recommend ensuring that this is clearly identified as an illegal access refusal.

### **Medical Exemption Certificates**

We are pleased to see that paragraph 38 of Appendix C states that medical exemption certificates will only be granted when 'sufficient proof from their GP, or independent medical specialist, confirming that the exemption is required in order for the driver to carry out their duties' is provided. We are also pleased to see it give examples of sufficient proof, such as results of blood tests, skin tests and evidence of the individual's clinical history.

It is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate's prescribed form and render it invalid. We therefore recommend that Newcastle-under-Lyme Borough Council

Licensing Authority issues exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'. Guide Dogs would be happy to supply Newcastle-under-Lyme Borough Council with tactile exemption cards.

### **Disability equality training**

As stated above, drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. A Guide Dogs survey found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. The best way to address this is through disability equality training for all taxi and PHV drivers.

Therefore, to help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog. We therefore welcome the inclusion in paragraph 3.2.4 and 3.2.5 of the Policy that applicants must 'pass disability awareness training approved by the Council'. However, we recommend that this is strengthened by changing 'disability awareness training to disability equality training'.

Disability awareness training has proven helpful to increase non-disabled people's understanding of individual disabilities. However, it does not focus on the greater social issues that affect disabled people and what is needed to make services more inclusive.

This is explored by disability equality training, which focuses on the concept of people being disabled by society's barriers and attitudes. It highlights the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.

We recommend that this training, as well as highlighting a driver's legal obligations and disabled people's rights, should focus on the concept of people being disabled by society's barriers and attitudes. It should highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.

### **Enforcement**

While our survey shows that 42% of assistance dog owners have been refused over a one-year period, many of these incidents are not reported. Indeed, only 54% of respondents said they would 'definitely' or 'very likely' report an access refusal. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment

at the lack of action taken following an access refusal and the low fines issued.

Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and are investigated.

As mentioned, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000. As failure to carry an assistance dog is a criminal offence, we recommend a zero-tolerance approach to enforcement of the Equality Act. We therefore are pleased to see that section 33 of Appendix L states that failure to carry an assistance dog without requisite medical exemption certificate results in 12 penalty points. Some guide dog owners have also expressed concern about the time it takes some Local Authorities to investigate access issues with drivers. One way of ensuring swift action is to suspend the driver's license until they have engaged and made the initial statement.

Further, the current policy does not contain any reference to prosecution of drivers who refuse a passenger. We also recommend a zero-tolerance approach to enforcement of the Equality Act in seeking prosecutions and therefore recommend stating that Newcastle-under-Lyme Borough Council Licensing Authority will use its best endeavours to investigate all reported violations of the Equality Act in a timely manner, with a view to pursuing a conviction.

We also recommend that the policy should state that the Newcastle-under-Lyme Borough Council Licensing Authority will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.

**For more information, please contact Public Affairs Officer Katherine Copperthwaite on [katherine.copperthwaite@guidedogs.org.uk](mailto:katherine.copperthwaite@guidedogs.org.uk) or 0118 983 8121.**