

Guide Dogs response to Torbay Council's Hackney Carriage and Private Hire Licensing Policy

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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. Current estimates suggest about 32,140 people with vision impairments are living in Devon, of which about 137 are guide dog owners.

Taxis and private hire vehicles (PHVs) and the door to door service they provide are essential to 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.

Key recommendations:

- The policy should specify that all taxi and PHV drivers must undertake disability equality training, which includes information regarding the carriage of assistance dogs and their obligations under the Equality Act 2010.
- The policy should specify a medical exemption certificate for carrying assistance dogs will only be issued when authorised by a medical practitioner and accompanied by medical evidence, such as a blood test, a skin prick test or clinical history.
- Torbay Council Licensing Authority should issue medical exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'.
- The policy should state that the Torbay 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.
- The policy should state that Torbay 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, and that breach of

the Equality Act is deemed serious and therefore will result in suspension or revocation of licence.

Disability equality training

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 recommend that all drivers undertake disability equality training when obtaining their licence.

Disability equality training for all taxi and PHV drivers has also been recommended by the Transport Select Committee,¹ the Law Commission² and the House of Lords Disability and the Equality Act 2010 Committee³. Further, the Government has recently committed 'to consult on revised best practice guidance for local licensing authorities which will recommend that authorities require drivers to complete disability awareness training' and 'would urge the remainder [of local licensing authorities] to take action now, using their existing licensing powers, to ensure that every driver receives it'.⁴

We welcome the introduction of mandatory safeguarding training in order to promote the welfare of service users. We also note that the policy under paragraph 5.20 reserves the right for the Licensing Authority to require specific training where 'deemed appropriate' including disability awareness and advise that this is strengthened to mandatory. This could be done by including disability equality training on the list of requirements under paragraph 5.4. Mandatory disability equality training will also help ensure that the provision under paragraph 14.16, which states that Torbay Council Licensing Authority is committed to ensuring disabled people are not discriminated against or treated less favourably, will be met.

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.

The consequences of delayed travel combined with the emotional impact of facing discrimination and confrontation when trying to carry out everyday activities take a significant toll on assistance dog owners. Apart from feelings of anger and embarrassment, refusals can undermine the independence that assistance dogs bring to their owners. Assistance dog owners also

¹ Transport Select Committee, [Access to Transport for Disabled People](#), 2013.

² Law Commission, [Taxi and Private Hire Services](#), Law Com No 347, May 2014, 4.102.

³ House of Lords, Select Committee on the Equality Act 2010 and Disability, [The Equality Act 2010: the impact on disabled people](#), para. 480.

⁴ House of Commons, [Taxis: Equality](#), 28 March 2018, c134057 WS.

reported that the stress of refusals has had a detrimental impact on their mental health and on whether they feel able to leave the house. This also has a negative impact on their ability to access work and other opportunities. As guide dog owners report:

- “Each refusal is crushing, confidence shattering, rejecting, and traumatic. I always feel that I don't want to go out after - but work dictates I must.” Guide dog owner, Stevenage
- “I was left on my own at the side of the road in the dark. I am deaf and unable to phone for help and it made me feel very vulnerable. It makes me feel afraid to go out.” Assistance dog owner
- “I was very upset, it was dark, raining and 10pm at night. I was scared. I avoid evening invites, as I worry about getting home. I lose out on the chance of socialising with friends, which is bad, as I have no family.” Guide dog owner, Rochester
- “I used to have a very tough two-hour commute to work. The taxi part of the journey was the shortest bit travel wise, but it always ended up being the bit that held me up the most because I was having to spend time facing drivers who wouldn't take me with my dog. ... It's good that my contract was flexi hours otherwise I'm sure I would have been sacked for being late all the time – it happened so often.” Guide dog owner, Daventry

Disability equality training 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.

Many of the positive experiences disabled people report when using taxis and PHVs come about following disability equality training. Councils that have introduced disability equality training report very positive results with fewer refusals and drivers feeling more confident in assisting passengers with disabilities.

Medical Exemption Certificates

We welcome the specification in paragraph 5.26 that 'strict medical grounds' are necessary to be exempt from carrying assistance dogs, and that medical evidence and a signed letter from their GP is required. We advise specifying that the medical evidence demonstrates the driver's genuine medical condition that is aggravated by exposure to dogs, such as a blood test, a skin prick test or clinical history.

We also welcome the provision in paragraph 5.28 that the Notice of Exemption and 2 window stickers must be displayed at all times otherwise this will invalidate the exemption. We recommend that in addition to the Notice

of Exemption, licensing authorities issue exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'. This is because it is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Guide Dogs would be happy to supply Torbay Council with tactile exemption cards.

Highlighting obligations under Equality Act 2010 in respect of Assistance Dogs

We welcome the provision in paragraph 14.21 of the policy which specifies that drivers are under a duty to carry, free of charge, any assistance dog. We recommend including here that this is a legal requirement under the Equality Act 2010, as included in paragraph 14.18 of the policy in respect to wheelchair accessible vehicles.

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.

We welcome the policy in paragraph 14.22 stating that if a driver breaches the duty to carry an assistance dog that the Licensing Authority may, in addition to prosecution, seek to suspend or revoke the drivers licence. We recommend that this is strengthened: 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 recommend clearly stating that Torbay 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 and state that breach of the Equality Act is deemed serious and therefore will result in suspension or revocation of licence.

We also recommend that the policy should state that the Torbay 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.

Further, in addition to “racially aggravated offences” being included in paragraph 3.4 of the annex as one of the offences that usually bar a person from obtaining a licence if they have been convicted in the past ten years, we recommend that disability hate crime also be included.

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