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## **CARRIAGE OF ASSISTANCE DOGS TO PRIVATE HIRE VEHICLES**

### **1 SUMMARY**

- 1.1 Members are asked to consider the extension of Government Legislation for the carriage of Assistance Dogs to Private Hire Vehicles licensed by the Authority by additional Local Authority Condition.

### **2 INTRODUCTION**

- 2.1 Section 37 of the Disability Discrimination Act 1995 places duty on Licensed Taxi Drivers to carry Guide and Hearing Dogs and to do so without charge. The Council's Approved Tariff for Hackney Carriages already makes provision for the carriage of Guide and Hearing Dogs without charge by specific reference but Government Legislation has not been extended to the Private Hire Sector. Local Authorities are encouraged to remedy this situation by including an additional Licensing Condition.
- 2.2 The Guide Dogs for the Blind Association, during its Guide Dog Week at the beginning of October 2000, recommended every Local authority to adopt the following statement as part of their Licensing Conditions:
- “Private Hire Vehicles must carry a Guide Dog or Assistance Dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action. Drivers have a responsibility to ensure that their Company is aware of such condition when they are first employed.”
- 2.3 The text proposed makes the assumption all taxi drivers are employed by a Company, whereas many are self-employed. Many drivers work for individual licensees and the expression “employer” is appropriate for inclusion within any condition(s).

### **3 LEGISLATION**

- 3.1 The new Legislation relative to Hackney Carriages is contained in The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc) (England and Wales) Regulations 2000.
- 3.2 The Legislation came into force on 1<sup>st</sup> November 2000. A period of four months has been allowed from that date for drivers to obtain Medical Exemption Certificates. This will have the effect of requiring ALL drivers to carry Assistance Dogs unless exempt.

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- 3.3 The Regulations will require drivers to DISPLAY CLEARLY a Notice of Exemption in the vehicle they are driving if applicable.

#### **4 DEFINITION OF AN ASSISTANCE DOG**

- 4.1 The definition of an Assistance Dog will be contained in a new paragraph added to the Disability Act. This is given below:
- “An Assistance Dog will be one trained by a specific Charity to assist a disabled person for the purpose of Section 1 of the 1995 Act”.
- 4.2 The Charities include those for epilepsy, those affecting mobility, dexterity, co-ordination and ability to lift.
- 4.3 The Assistance Dog must be wearing a yellow jacket inscribed with the Charity name to identify it as an Assistance Dog.
- 4.4 A “Specified Charity” means:
- “Dogs for the Disabled”
  - “Support Dogs”
  - “Canine Partners for Independence”.

#### **5 EXEMPTION CERTIFICATES**

- 5.1 The forms required for Driver Exemption Certificates will be supplied by the DETR to local authorities.

#### **6 FINANCIAL IMPLICATIONS**

- 6.1 It is anticipated the number of drivers likely to require Exemption Certificates will be relatively low. The cost will not be significant and absorbed within the budget for the Hackney Carriage Office.
- 6.2 Section 70, Local Government (Miscellaneous Provisions) Act 1976 provides that local authorities can charge such fees as may be sufficient to cover the cost in whole or part of “any reasonable administrative or other costs in connection with .... the control and supervision of Hackney Carriages and Private Hire Vehicles.

#### **7 RESOURCE IMPLICATIONS**

- 7.1 The Head of Revenue & Housing Management will monitor the level of applications for Exemptions Certificates to determine the actual financial implication for administering the Legislation.

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**8 RECOMMENDATION**

It is proposed that this Sub-Committee **RESOLVES**

- (1) That the Licensing Conditions for Private Hire Drivers be amended by the insertion of an additional condition requiring compliance with National Legislation for Hackney Carriages in respect of the carriage of Assistance Dogs as set out on Appendix A.
- (2) That the above condition, with the substitution of the wording "Hackney Carriage" for "Private Hire Vehicle" paragraph 1.1, be added to the Conditions for Hackney Carriage Drivers in order to emphasis the requirements of Legislation.
- (3) That the Condition shown on Appendix B be added to the Licensing Conditions applicable to both Hackney Carriages and Private Hire Vehicles. (HRHM)

Steve Clarkson

Head of Revenue & Housing Management

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**Background Papers:**

Disability Discrimination Act 1995  
The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc.)  
England and Wales) Regulations 2000.

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