

APPENDIX 7

PROPOSED POLICY – EQUALITY ACT 2010 (Assistance dogs)

24. CARRYING OF ASSISTANCE DOGS

24.1 Under Section 168 of the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

A driver who breaches one or more of the duties outlined above will be liable on summary conviction for each offence to pay a fine not exceeding level 3 on the standard scale. The current maximum level of the fine is £1,000.

24.2 It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

24.3 Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. 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.

24.4 The Council reserves the right to refer the driver to the Council's own medical or occupational health practitioner if an assessment by a third party medical practitioner is felt necessary. Any additional costs will be borne by the driver.

24.5 If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.

24.6 If an exemption is issued then the notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. The exemption will only apply if the notice of exemption is displayed correctly.

24.7 The Council will develop an application process to deal with this particular matter.

24.8 If Officers of the Licensing Team have any concerns regarding granting the exemption then the matter will be referred to the Licensing (General Purposes) Sub-Committee to determine. If the application for an exemption is refused then under Section 172 of the Equality Act 2010 there is a right of appeal to the Magistrates Court within 28 days of the date of refusal.