

WARWICK DISTRICT COUNCIL

TO: **LICENSING COMMITTEE - 1 FEBRUARY 2001**

SUBJECT: **THE DISABILITY DISCRIMINATION ACT 1995 - THE CARRIAGE OF ASSISTANCE DOGS IN TAXIS**

FROM: **MEMBERS' AND CUSTOMER SERVICES**

1. PURPOSE OF REPORT

- 1.1. To inform Members of the provisions of Section 37 of the above Act which comes into force on 31 March 2001 and to seek decisions on the issue of exemption notices.

2. BACKGROUND

- 2.1 Section 37 of the Act, which comes into force on 31 March 2001, places a duty on licensed taxi drivers to carry guide and hearing dogs accompanying disabled people and to do so without charge. The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc) (England and Wales) Regulations 2000, prescribes three additional categories of dogs to which Section 37 will also apply. The Regulations include any other category of dog trained to assist a disabled person who has epilepsy or any physical disability that impairs his ability to carry out routine daily tasks. Dogs trained by "Dogs for the Disabled", "Support Dogs" and "Canine Partners for Independence", will all come under the Regulations.

3. MEDICAL EXEMPTIONS

- 3.1 To enable drivers with medical conditions that would be aggravated by carrying dogs to continue to drive taxis, the Act makes provision for licensing authorities to grant exemptions and to issue drivers with exemption certificates. The Regulations prescribe the Notice of Exemption and how it must be displayed in the vehicle.
- 3.2 It is for licensing authorities to determine the form of the applications which drivers will have to make in applying for an exemption.
- 3.3 The main reasons a taxi driver may wish to apply for a medical exemption are severe asthma which is aggravated by contact with dogs; allergic to dogs; or an acute phobia to dogs.
- 3.4 Following application drivers will need to provide medical evidence to support their application. If a driver has severe or has a known allergy to dogs, they

are likely to have a medical history and their GP should hold relevant medical information from an appropriate specialist. However, it is for the licensing authority to determine whether to accept evidence from a taxi driver's own GP or to seek independent medical assessment.

- 3.5 If a driver has an acute phobia to dogs the DTER would expect this to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption.
- 3.6 New taxi drivers are already required to undergo a full medical examination to determine their fitness to drive. If the driver is seeking exemption the assessment relating to the ability to carry dogs could form part of the existing system.

4. CERTIFICATE OF EXEMPTION

- 4.1 The Act places a duty on the licensing authority to issue a Certificate of Exemption to a driver where it is satisfied that it is appropriate to do so on medical grounds. Certificates should include the period to which the exemption applies. In some cases this will be for the life of the drivers licence to drive a taxi. The certificate can specify the type of taxi for which the exemption applies (i.e. the exemption would apply to a vehicle without a fixed partition segregating the driver from the passenger compartment, but would not relate to a vehicle which did have such a fixed partitions.
- 4.2 A person aggrieved by the refusal of the licensing authority to issue an exemption certificate has a right to appeal against the decision to a magistrate's court within 28 days of the date of refusal.

5. ENFORCEMENT

- 5.1 The enforcement of the provisions will be the responsibility of the licensing authority and should be incorporated into the existing taxi licensing enforcement regime.
- 5.2 A taxi driver who fails to comply with the duty to carry an assistance dog will be guilty of an offence and liable to fine not exceeding level 3 (currently £1000, on the standard scale of conviction).

6.0 OTHER MATTERS FOR CONSIDERATION

- 6.1 The Officers will prepare the necessary application forms for exemption certificates, but it will be necessary for the committee to decide how applications will be determined. Should the application be accompanied by evidence from the driver's own GP and/or specialist or will an independent medical assessment be required by the authority's own medical adviser.
- 6.2 There is no provision for the Council to charge for an application for an exemption. If the Council required the applicant to undergo an examination by the Occupational Health Medical Officer/County Medical Advisor (who

currently carries out medicals on behalf of the Council) the Council would have to bear the cost. However, if the Council asked for a certificate from the applicants own general practitioner, the applicant would be expected to pay any fee involved.

6.3 New applicants for licences could be informed that they need to make an application for an exemption at the same time as the application. The proof of the medical condition could form part of the medical examination already undertaken by new applicants. However, this opportunity would not be available for existing licence holders who wish to apply for an exemption.

6.4 It is not expected that many applications for exemptions will be received.

7.0 **DECISIONS REQUIRED**

7.1 Members are asked to:

- i. Authorise the officers to draw up the necessary application form for Notices of Exemption;
- ii. Authorise the officers to grant exemptions where proof of a medical condition has been supplied; in cases where the officers feel that the medical condition has not been proved the application be referred to the committee for a decision;
- iii. Decide whether applications for exemption certificates should be accompanied by a certificate from the applicants own general practitioner, or whether the applicants should be required to undergo a medical by the Occupational Medical Officer/County Medical Officer

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BACKGROUND PAPERS

Publication: Guidance to Licencing Authorities on the Duties, Medical Exemptions and Endorsements of the Carriage of Guide, Hearing and other Assistance Dogs in Taxis dated November 2000

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Areas in the District Affected

All