

Email Response 01

Anton Bishop: Fri 18/10/2019 14:36

We definitely need to be able to buy taxis with factory fitted tinted windows. It's so restrictive otherwise because we have to buy base models of any given vehicle make.

Some vehicles aren't available with clear windows!

Response

None

Action taken

Section on tinted windows has been amended to read "All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations."

Email Response 02

Customer Services The Disclosure and Barring Service CustomerServices@dbs.gov.uk: Fri 08/11/2019 10:10

We do not provide comment on organisations, licensing policies.

Response

None

Action taken

No action taken

Email Response 03

Lucy Gibb: Wed 13/11/2019 13:59

DBS to be quicker please and if possible for you to have a designated contact at DBS whom you can liaise with directly. The whole process of obtaining a PH licence to be much quicker and take no more than 1 month. Sevenoaks District Council licensing department to have 1 designated person within the team to solely deal with taxi operators and all taxi licensing queries like they used to. We would be quite happy to pay a little extra to get a better service from the council.

More available Knowledge Test dates with opportunity for re-test to be within 2 weeks and a reduced cost for re-test of Knowledge Test if taken within 2 weeks as an

incentive to re-take quickly whilst information retained by recruit. Much improved communication between Sevenoaks District Council and Private Operators.

Response

Many of the suggestions relate to operation as opposed to Policy (operation is determined by the Head of the Licensing Partnership whereas Policy is determined by the Licensing Committee) but I shall nevertheless ensure all your comments are in the January report.

Action taken

Operational points have been taken into consideration.

Telephone Conversation 04

Dunbrik Mon 25/11/2019 13:13

Request made for all Private Hire Vehicles display the SDC Table of Fares. Tinted Windows – they agree with the ‘construction and use’ but asked that we include, “No extra tinted film” and “No vehicle is permitted to have blackout windows other than limousines.” Dunbrik said they would be happy to have it on a case-by-case basis but believes the standard should be declared in Policy, and in their view a window which is 20-25% (with the standard being 30%) would be deemed as blacked out.

Response

The requirement for all PHV to have the Fare Chart could not be enforced as Private Hire Operators can set their own fares.

Action taken

The section which relates to Tinted Windows has been amended to include “No tinted film will be permitted on any licensed vehicle or any new vehicle being presented for licensing. No licensed vehicle is permitted to have blacked out windows other than limousines; any vehicles with tinted windows with less 25% or less transparency, will be considered as blacked out windows.”

Email Response 05

Chris Theobald: Mon 09/12/2019 09:22

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 2,740 people living with sight loss in Sevenoaks, and 148 guide dog owners in Kent.

Taxis and private hire vehicles (PHVs) and the door to door service they provide are essential for disabled people. They are particularly important for the independence of blind and partially sighted people, who are unable to drive, and often face barriers when using public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners: In April 2019, we surveyed 421 assistance dog owners to ask about their experiences in the preceding 12 months. The survey revealed that unfortunately many assistance dog owners are still experiencing access refusals. 76% said they had experienced a refusal at one point, 42% reported that they had at least one in the last 12 months.

Taxis and Private Hire Vehicles (PHVs) remain the business most likely to turn away an assistance dog. Of assistance dog owners who reported at least one refusal in the last year, 73% reported they had been refused by a taxi or PHV driver during the same time period. 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 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.
- All drivers should be required to undertake disability equality training, as recommended by the Government.
- The policy should specify that 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.
- The medical exemption certificates should be accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E' and a braille marker to accommodate both braille readers and non-braille readers.
- The policy should state that Sevenoaks District Council 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 all refusals of assistance dogs by taxi or PHV drivers should result in the maximum 12 points on the licence.

- The policy should state that Sevenoaks District Council 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 legal duty under the Equality Act 2010 to carry, free of charge, any assistance dog and failure to do so is a criminal offence.

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 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

It therefore is essential that the policy states this legal obligation. We welcome the statement in the policy that drivers only have discretion over whether to convey animals they are not either a guide or hearing dog. However, we recommend strengthening this section by clearly stating that all drivers are under a legal duty under the Equality Act 2010 to carry, free of charge, any assistance dog, and that failure to do so is a criminal offence.

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.

Disappointingly, the current policy only requires a knowledge test and a practical “wheelchair test” and makes no reference to requiring disability equality training. This is disappointing, as under s.2.2 of the policy, it states that the DfT’s 2010 Best Practice Guidance has been taken into consideration and this Guidance states that “licensing authorities should also encourage their drivers to undertake disability awareness training”. 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.

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. In response to concerns into taxi licensing, the government also formed a Working Group, which in 2019 as part of its recommendations concluded that all taxi and PHV drivers should undertake disability equality training as a condition of their license. Further, the Department for Transport has recently committed to include disability equality training in the national minimum standards which they will be legislate to introduce “when time allows”. They also have stated that they ‘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 In addition, the DfT currently monitors which licensing authorities require disability equality training as part of their taxi and minicab statistics.

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

The proposed policy does not contain information on the process of obtaining a medical exemption certificate, which is the only circumstance when a driver is legally exempt from their obligation to carry assistance dogs. The only reference in the policy is to a “statutory exemption”

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.

We recommend that the policy states that being issued with a medical exemption certificate by Sevenoaks District Council is the only circumstance when an assistance dog may be declined. We recommend that the policy specifies that in order to apply for a medical exemption certificate for carrying assistance dogs, this must be authorised by a medical practitioner and accompanied by medical evidence which 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.

Further, 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 Sevenoaks District Council issues exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised ‘E’ and a braille marker to accommodate both braille readers and non-braille readers. Guide Dogs would be happy to supply Sevenoaks District Council with tactile exemption cards.

Enforcement

While our survey shows that many assistance dog owners have been refused access over a one-year period, many of these incidents are not reported. Indeed, research in 2019 found that only 8% of owners who had been refused access had taken legal action which resulted in prosecution. 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 recommend that it is clearly stated that failure to carry an assistance dog without the requisite medical exemption certificate will result in immediate suspension or revocation of a driver's license. We therefore welcome the inclusion that refusing to carry an assistance dog results in 12 points under the Equality Act 2010 penalties. However, we recommend that the penalty points for "Failure to carry assistance dog without an exemption certificate" under private hire driver's licence conditions is also 12 – rather than the current 5-6 points currently specified.

Further, the current conditions do 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 Sevenoaks District Council 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 Sevenoaks District Council works 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.

Response

None

Action taken

Amendments made to the section 'Carriage of animals' and removed from the title 'other than guide/hearing/assistance dogs' as it reads as though the section is not about assistance dogs, which it is.

All drivers will be taking 'Disability Awareness Training' in the future and members must agree to the method this will be provided.

The Medical exemption certificate is a standard template used across England & Wales and therefore we are unable to change the design.

Email Response 06

Phillip Meyer Sat 14/12/2019 09:44

For goodness sake, why can't we use Uber rather than the terrible services provided by the awful local taxi firms like beeline!

Response

None

Action taken

No action taken