

Minor amendment to Hackney Carriage and Private Hire Driver Licence Conditions

Ashley Yeates, Cabinet Member for Regulatory Services, Housing & Wellbeing

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Key Decision? YES ~~NO~~ (delete as appropriate)

Local Ward Members Affects all wards



REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 The Council's current Combined Hackney Carriage and Private Hire Drivers Licence Conditions contain a condition relating to guide or assistance dogs.
- 1.2 The relevant condition is outdated in terms of the quoted legislation and does not follow best practice guidance.
- 1.3 This report and the suggested change to the condition aims to ensure the Council remains up to date in relation to best practice whilst also ensuring any required enforcement action is successful.

2. Recommendations

- 2.1 That Members approve a change to the Combined Hackney Carriage and Private Hire Drivers Licence Condition 11 in relation to Assistance Dogs to read:

11.0 Guide / Assistance Dogs

- 11.1 *The driver may at his / her discretion accept or refuse to carry any animal in the custody of any passenger EXCEPT where the animal is a guide dog or assistance dog.*
- 11.2 *Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for a written exemption from the duty on medical grounds. The driver must display the Notice of Exemption by affixing it in a prominent position on the dashboard of the vehicle facing upwards, or affixed to the windscreen of the vehicle facing outwards. The Notice of Exemption must be removed from the vehicle when the vehicle is used by other licenced drivers. A further Notice of Exemption will be provided to the Licence holder in braille format and must be offered to any passenger should they be refused a journey and the driver holds an exemption.*
- 11.3 *No driver shall make an additional charge for the carriage of a guide or assistance dog, the conveyance of a wheelchair, or other equipment required by a person with a disability.*

3. Background

- 3.1 The current Combined Hackney Carriage and Private Hire Drivers Licence Conditions are attached to this report.
- 3.2 Condition 11 relates to Guide / Assistance Dogs and requires updating to reflect legal changes and best practice guidance.

- 3.3 Under 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.
- 3.4 To ensure best practice in achieving effective enforcement the Council will investigate all reported violations of the Act. We will also work together in conjunction with assistance dog owners by various means such as test purchases to ensure that licensing requirements are being complied with.
- 3.6 Best Practice Guidance suggests that all taxi and private hire vehicle drivers undertake disability equality training, which includes information regarding the carriage of assistance dogs. This is something which the Council's Licensing Team are looking to implement soon.
- 3.7 This is considered a minor legal amendment to conditions and it is not therefore considered necessary to consult the trade prior to implementation.

Alternative Options	To keep with the current condition which is legally outdated and does not follow best practice. This is not considered appropriate for the reasons outlined.
Consultation	None.
Financial Implications	None.
Contribution to the Delivery of the Strategic Plan	None.
Equality, Diversity and Human Rights Implications	Positive impact as this change in condition addresses an area where the Council is not currently complying with best practice.
Crime & Safety Issues	None.

	Risk Description	How we manage it	Severity of Risk (RYG)
A	Confusion over legal requirements to carry assistance dogs leading to failure to convict where offences occur.	If approved, this change of condition clarifies the law and enables better enforcement which should lead to convictions if the law is broken.	Green (tolerable)
B			
C			
D			
E			