

# Licensing Committee

## 12 July 2017

<b>Report title</b>	Amendment to current Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Kevin O'Keefe, Governance	
<b>Originating service</b>	Licensing Services	
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<b>Report to be/has been considered by</b>	In consultation with	
	<ul style="list-style-type: none"><li>• Private Hire Trade Working Group.</li><li>• Hackney Carriage Trade Working Group</li></ul>	

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### Recommendation(s) for action or decision:

Councillors are recommended to:

- i) Agree the current Guidelines be amended with immediate effect to clarify that the refusal to carry an assistance dog shall normally result in revocation.
- ii) Agree that when it is in the interest of Public Safety the licence of those refusing to carry an assistance dog should be revoked with immediate effect.
- iii) Receive a verbal update on the proposed change from the Private Hire Trade Working Group.

## 1.0 Purpose

1.1 This report is intended to:

- (a) Inform Members of the increasing occurrences of refusal by Drivers to carry Assistance Dogs.
- (b) Clarify that it is in the interest of Public Safety to revoke the licence of those drivers committing this offence.
- (c) Seek approval for the amendment to the current Guidelines.

## 2.0 Background

2.1 The council has a duty to protect the general public from harm when using hackney carriage or private hire vehicles. In order to do this the Council must satisfy itself that all drivers and operators are 'fit and proper' persons.

2.2 The Guidelines for Hackney Carriage and Private Hire Vehicle proprietors, Drivers and Private Hire Vehicle Operators (the guidelines) are used to provide the Council with a written framework which allows employees and Councillors to make fair and consistent decisions when reviewing existing drivers, proprietors and operators when they breach conditions, are convicted/cautioned for relevant offences or behave in a manner that is inconsistent with that expected from a licence holder.

2.3 The Guidelines are reviewed on a periodic basis to ensure that they take into account revised and current legislation along with local and national licensing proprieties and technological advancements. The last revisions were agreed by Licensing Committee on 26 April 2017.

2.4 There has been a growing number of reports of drivers refusing to pick up passengers when it becomes apparent that they have an Assistance dog. This is a breach of their Driver conditions attached as an Appendix.

2.5 There is no specific mention of Assistance dogs in the guidelines and recent offences have been considered in accordance with section 5.1.2 – Conduct of Hackney Carriage and Private Hire Vehicle Driver, Proprietors and Operators:

*Where one incident falls so far below the standards expected that a refusal, revocation, suspension or refusal to renew is felt the appropriate course of action, even in the first instance.*

2.6 Assistance dogs often accompany the more vulnerable members of our society (i.e. those with a disability or disabilities) and a driver pulling up and then driving off impacts them far worse than anyone else, often leaving them in a situation where they are stranded, confused and in a state of panic. It is in the interest of Public Safety to revoke the licence of those drivers committing this offence.

### **3.0 Consultation**

- 3.1 The proposed amendments were considered at the Hackney Carriage Trade working group and were fully supported.
- 3.2 The proposed amendments were to be considered at the Private Hire Trade working group on 30 June and those comments will be verbally presented at Committee.

### **4.0 Proposal**

- 4.1 That 5.1.9 – Breach of Licence Condition/Byelaws be amended to include the following:

Condition 11 of the Conditions Relating To The Issue Of A Licence To Drive A Private Hire Vehicle provides; *The licence holder must carry guide or other assistance dogs accompanying passengers, free of charge, unless the driver has a proven medical condition that would preclude such action. Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of such medical condition when they are first employed.* Breach of this condition is deemed serious and therefore shall normally result in revocation. A new licence will not normally be granted for 12 months following the date of conviction, caution or in the absence of these the date of offence or relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later. The power to suspend or revoke immediately as set out in 2.2.2 may also be used in these circumstances if it is in the interests of public safety.

### **5.0 Financial implications**

- 5.1 There are no financial implications arising from the recommendations in this report. [SR/04072017/W]

### **6.0 Legal implications**

- 6.1 Any legal Implications appear within the main body of the report. [SH/30062017/L]

### **7.0 Equalities implications**

- 7.1 The amendment will help to ensure the vulnerable members of society (i.e. those with a disability or disabilities) are not discriminated against due to their disabilities.
- 7.2 A full equality analysis has been undertaken on the changes to this guideline.

### **8.0 Environmental implications**

- 8.1 There are no environmental implications to this function.

### **9.0 Human resources implications**

- 9.1 There are no Human Resource implications to this function.

## **10.0 Corporate landlord implications**

10.1 There are no landlord implications to this function.

## **11.0 Schedule of background papers**

11.1 Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, approved by the Licensing Committee on 26 April 2017.