

Report

Report to:	Licensing Committee
Date of Meeting:	12 June 2018
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 (As Amended) – Taxis/Private Hire Cars - Carriage of Assistance Dogs
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ consider the adoption of a policy in relation to the carriage of assistance dogs in taxis and private hire cars

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the policy attached submitted by the Guide Dogs for the Blind organisation be approved subject to the modifications detailed in Paragraph 4.3 of the report;
- (2) the said policy should come into force on 1 January 2019;
- (3) that the current training undergone by taxi drivers be extended to new private hire car drivers; and
- (4) that the training be introduced for all new private hire car driver applications required after 1 January 2019.

3. Background

3.1. Before a person can operate as a taxi or private hire car operator, they require to apply to the Council for the appropriate licence.

3.2. In terms of the Taxi Drivers' Licences (Carrying of Guide Dogs) (Scotland) Regulations 2003 and the Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004, all taxi and private hire car drivers must carry an assistance dog unless they have received an exemption from the licensing authority.

4. Present Position

4.1. Currently across South Lanarkshire we have issued seven exemptions on the carriage of assistance dogs. Exemptions consist of an embossed certificate.

4.2. A request was received from Guide Dogs for the Blind that the Council adopts the attached policy. However, on close examination of the policy, some areas of the policy required to be amended to ensure it is in line with current Scottish legislation and is capable of being enforced.

4.3. The suggested amendments are as follows:-

4.3.1. On page two of the policy under the heading of "Enforcement Policy" the following changes would be recommended. It is recommended that the following paragraph be altered.

"A zero tolerance policy to access refusals investigating all reported violations of the act with a view to pursuing a conviction."

It is recommended that the alteration be as follows:-

"Have a zero tolerance policy to access refusals investigating all reported violations of the Act with a view to bringing the perpetrator before the Licensing Committee to consider whether or not it is appropriate to suspend or revoke his or her licence."

4.3.2. Delete the following paragraph:-

"Undertake periodic test purchasing with assistance dog owners on licensed vehicles to ensure that licensing requirements are being complied with."

The licensing authority would not have the ability to do this. It is suggested that if such action was appropriate, this is something which the Guide Dog Association could carry out themselves and then pass on any relevant information to the licensing authority.

4.3.3. The following paragraph:-

"Make it a condition of taxi and private hire car vehicle drivers licences that they have undertaken disability equality training which includes information regarding the carriage of assistance dogs."

This training is currently available to taxi drivers and if this policy were approved the training would require to be extended to private hire car drivers.

4.3.4. Under the heading "Medical Exemption Certificate" the following paragraph "Only issue an exemption certificate when it is authorised by a medical practitioner and is accompanied by medical evidence, for example, a blood test, a skin prick test or a clinical history.

It is recommended that the word "authorised" is deleted and replaced with the word "supported" and the words "and is.... to clinical history" be deleted.

It is suggested that a letter from a medical practitioner certifying that the licenceholder suffers from a medical condition which is aggravated by exposure to dogs should be sufficient for the issue of an exemption certificate. This is the current Council position.

5. Employee Implications

5.1. None.

6. Financial Implications

6.1. None.

7. Other Implications

7.1. The risk to the Council is that it fails to fulfil its duty to protect the public. This is mitigated by the application process.

7.2. There are no apparent implications in terms of sustainable development.

8. Equality Impact Assessment and Consultation Arrangements

8.1. A consultation has taken place with the Guide Dogs for the Blind Association as they have requested that the Council implement such a policy.

Paul Manning

Executive Director (Finance and Corporate Resources)

15 May 2018

Link(s) to Council Values/Ambitions/Objectives

♦ Make communities safer, stronger and sustainable.

Previous References

♦ None

List of Background Papers

♦ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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