

CIVIC LICENSING COMMITTEE – 10 JANUARY 2012

REVIEW OF CONDITIONS APPLIED TO TAXI/PRIVATE HIRE CAR LICENCES AND TAXI/PRIVATE HIRE CAR DRIVERS LICENCES

REPORT BY THE CLERK

ABSTRACT

The purpose of this report is to advise Committee of the outcome of the Review of Conditions Applied to Taxi/Private Hire Car Licences and Taxi/Private Hire Car Drivers Licences and seek approval to amend the Conditions applied to Taxi/Private Hire Car Licences and Taxi/Private Hire Car Drivers Licences.

1. RECOMMENDATION

It is recommended that the Committee:-

- (i) approve the proposed changes to the Conditions applied to Taxi/Private Hire Car Licences and Taxi/Private Hire Car Drivers Licences; and
- (ii) delegate powers to the Head of Law and Administration commence the formal consultation exercise required in terms of Paragraph 10 of Schedule 1 to the Civic Government (Scotland) Act 1982 in order to implement changes to the conditions currently applied to Taxi/Private Hire Car Licences and Taxi/Private Hire Car Drivers Licences.

2. BACKGROUND

2.1 This Committee, at its meeting on 15 March 2011, considered Report No 231/11 which sought approval for the Head of Law and Administration carry out a review of the Conditions applied to Taxi/Private Hire Car Licences and Taxi/Private Hire Car Drivers Licences. This Committee agreed that such a review should be undertaken. It was submitted that a review of the Conditions applied to Taxi/Private Hire Car Licences and Taxi/Private Hire Car Drivers Licences will allow the Council to consider changes to the Conditions which reflect best practice and take into account technological changes to vehicles and equipment.

2.2 In reviewing the Conditions, the following were consulted:-

- The Chief Constable of Tayside Police
- Every Member of Angus Council
- Every current holder of a Taxi/Private Hire Car Licence and Taxi/Private Hire Car Drivers Licence
- Angus Council Infrastructure Services Department
- Any organisation thought to be representative of the holders of Taxi/Private Hire Car Licences and Taxi/Private Hire Car Drivers Licences

2.3 In addition, a press release was issued advising the public of the review process and how to make comments or suggestions. Angus Council's website was also utilised as a means of advising of the consultation exercise and ingathering comments or suggestions.

2.4 Seven responses to the consultation exercise were received and these are attached as [Appendix 1](#).

2.5 Following the completion of the consultation exercise, officers met to consider the responses to the consultation exercise.

- 2.6 The recommended changes to the Conditions applied to Taxi/Private Hire Car Licences and Taxi/Private Hire Car Drivers Licences are attached as [Appendices 2, 3, 4, 5 and 6](#) and shown as tracked changes to the current Conditions.

The main suggested changes can be summarised as follows:-

- The Vehicle Inspection Checklist has been amended to provide that the minimum size of engine required for a taxi or a private hire vehicle is reduced from 1600cc to 1400cc, that no mixed tyre patterns will be permitted on the same axle; and that the minimum size for signs on large taxis be 450mm wide and 125mm high.
- The Conditions applied to Taxi/Private Hire Driver's licences have been amended to provide that drivers must immediately notify the licensing authority of any medical condition or illness that may affect their ability to drive a motor vehicle or if they are convicted of a criminal offence.
- The Conditions applied to Taxi/Private Hire Car have been amended to provide that the minimum size of engine required for a taxi or a private hire vehicle is reduced from 1600cc to 1400cc and that holders of Taxi/Private Hire Car Licences must immediately give notice to the licensing authority of any change of name, address or place of business.
- All of the Conditions have been amended to provide that vehicles are not used for carrying passengers in the event that a "space saver" spare wheel/tyre is required to be fitted and used and shall only be used for the purposes of returning the vehicle to the place where it is normally kept when not being used or for taking the vehicle to be repaired. In the event that a "space saver" spare wheel/tyre requires to be fitted when passengers are being carried in the vehicle then the driver of the vehicle at the time shall terminate the hire and assist the passengers to find alternative transport or to transport them to the nearest safe location.

- 2.7 The Committee will note that not all of the comments that arose from the consultation exercise have been suggested as amendments to the Conditions. The reasons for this can be summarised as follows:-

Car horns should be fitted with recorders/monitors and drivers required to explain the excessive use of same – It is submitted that fitting cars with recorders/monitors would be impractical and costly to implement.

Capping taxi operator licences in Angus – It is not perceived that there is an excess of taxis, private hire cars or operators in Angus. If the Committee was minded to pursue the capping of licences in Angus then it is submitted that research should be undertaken to identify the extent and nature of any overprovision prior to making any decision regarding the capping of licences.

There should be an Angus Taxi Association – It is submitted that the formation of an Angus wide Taxi Association would be welcomed as it would provide a means of consulting with the local trade as a whole. However, the Council cannot require the trade to form a Taxi Association, and it is submitted that the Council, whilst supportive of any proposal to form an Angus wide Taxi Association, should not become directly involved in establishing such an organisation (particularly having regard to its role as licensing authority).

There is no boot space in certain vehicles which are licensed, and being used, to carry 6 passengers – It is accepted that this is an anomaly in that most vehicles which are licensed to carry six passengers will not have the required luggage capacity when carrying 6 passengers. However, it is submitted that this situation should be allowed to continue given that these vehicles, when not carrying 6 passengers, will have the required luggage capacity.

Why should there be a maximum and minimum size for roof signs – The purpose of requiring larger taxis to have larger roof signs was to distinguish them from regular sized taxis. This would assist potential customers who may require a larger taxi only and avoid them flagging down regular sized taxis unnecessarily. It is submitted that this is a worthwhile consideration. However, as presently worded the Vehicle Inspection Checklist only provides a maximum size for roof signs on larger taxis and no minimum size. The suggested amendment referred to above will specify a minimum size of roof sign for larger taxis which should allow for some discretion on the part of the operator of the taxi.

Why should drivers have to pay £50 to have an advertisement on their taxi – A fee is charged for consent to place an advert on a taxi to offset the cost of administering the process of approving adverts on vehicles. It is submitted that this arrangement should continue, as there remains a need to ensure that adverts placed on vehicles are suitable and appropriate having regard to the use of the vehicle.

There is no requirement for Private Hire Car Driver's to sit a knowledge test – A taxi licence is required in respect of a hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it (or a person acting on his behalf) and its driver for a journey beginning there and then. For all other types of arrangements in respect of the hire of a car with a driver, a private hire car licence is required. The holder of a private hire car driver's licence, therefore, cannot make arrangements in a public place for a journey beginning there and then. The Civic Government (Scotland) Act 1982 specifically permits the licensing authority to require applicant's for taxi driver's licences to sit a knowledge test. It is submitted that one of the main reasons for having knowledge tests relates to the fact that the journey can begin there and then and the taxi driver has no time to ascertain the best route to the destination by other means. In respect of a private hire car driver, a journey is pre booked and, therefore, the private hire car driver will have an opportunity of ascertaining the best route to the destination before the hire commences. Given the above, it is submitted that the distinction between the requirements in respect of applicants for taxi driver and private hire car drivers in respect of knowledge tests should remain.

I would like to see Angus Council utilising the Council Garage at Arbroath to do vehicle tests – It is submitted that this issue is not pertinent to a review of the Conditions applied to Taxi/Private Hire Car Licences and Taxi/Private Hire Car Drivers Licences. However, the Committee is asked to note that arrangements in respect of vehicle inspections are continually monitored to ensure that such inspections are carried out as effectively and efficiently as possible.

There should be a review of all current badge holders – It is submitted that this is not necessary given that convictions are brought to the licensing authority's attention by Tayside Police when they occur, when an application is made or at renewal.

A new condition to be added with regard to testing on Trailers used by Operators and a Certificate of Fitness to be provided for same by Tayside Police – It is submitted that there have not been any difficulties in respect of the standard of trailers used by Taxis/ Private Hire Cars and that such a condition is not necessary at present.

The Condition concerning the Drivers dress code needs to be changed to keep up good standards between all drivers – It is submitted that there have not been any difficulties in respect of the attire of taxi/private hire car drivers and that the current requirements on drivers to be "clean and tidy in both his person and his clothing" are sufficient at this time.

Throughout the conditions where it reads "shall" this word should be changed to read "will" – It is submitted that this is not necessary and that the use of the word "shall" is sufficient to create a condition which requires to be adhered to.

Vehicles with Wheelchair lifts fitted should be load tested and Certificates to be produced at the time of testing - It is submitted that there have not been any difficulties in respect of the standard of vehicles with wheelchair lifts used by Taxis/ Private Hire Cars and that such a condition is not necessary at present.

MOT procedures to be included in the Vehicle Inspection Checklist – The Vehicle Inspection Checklist has been amended to require the holder of a taxi/private hire licence to produce a valid MOT Certificate any time when the vehicle is being inspected. However, it is submitted that the requirement to obtain a valid MOT Certificate in respect of a vehicle which is more than 12 months old from the date of first registration is unduly onerous given that the legal requirement to obtain a valid MOT Certificate only applies in respect of vehicles which are more than 3 years old from the date of first registration.

Vehicles should only be inspected at the Testing Station, not on the Taxi Stance or Roadside – It is submitted that this is not appropriate having regard to the requirement to enforce conditions applied to licences. The right to inspect vehicles at any location should be preserved.

On termination of fare, Private Hire Drivers/Operators will return to their Base/Office – It is submitted that this may be an unlawful requirement to impose and would be an unfair and inefficient condition to impose. Private Hire Cars are already precluded from making arrangements in a public place for a journey beginning there and then. If there is concern that this is not being adhered to then the appropriate manner of dealing with this would be to report the matter to the licensing authority.

Roof Signs: (Illumination of Roof Sign at Night to be at the Driver/Operators discretion for safety reasons, due to Pedestrians placing themselves in front of cars to flag down) – It is suggested that this condition should not be applied as taxis available for hire should be identified as such. It is also noted that the roof signs need not be illuminated if the taxi meter is not switched on or the taxi is not available for hire.

- 2.8 In terms of implementing any agreed changes to the Conditions, it is submitted that there are currently two ways of doing this. New conditions could be phased in and implemented in new grants or renewals. In addition, it would be open for the Committee to determine to vary licences currently granted. If this were to be the case then the Committee would require to give every licence holder affected at least 7 days notice of the date when the proposed variation is to be considered and give every licence holder affected the opportunity to be heard. A licence holder has the right to appeal a decision to vary a licence to the Sheriff.
- 2.9 It is submitted that, in order to avoid a two tier situation (when different licenceholders will be subject to different conditions), the Committee determine to vary licences currently granted. Accordingly, it is recommended that powers be delegated to the Head of Law and Administration to commence the formal consultation exercise required in terms of Paragraph 10 of Schedule 1 to the Civic Government (Scotland) Act 1982 in order to implement changes to the conditions currently applied to Taxi/Private Hire Car Licences and Taxi/Private Hire Car Drivers Licences.

3. RISKS

This report does not require any specific risk issues to be addressed.

4. FINANCIAL IMPLICATIONS

There are no significant financial implications arising from this report. Some costs were incurred in undertaking the consultation and assessment work for this review but these were not significant and could be met from existing revenue budgets.

5. HUMAN RIGHTS IMPLICATIONS

There are no human rights implications arising from this report.

6. EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective. An equalities impact assessment is not required.

7. CONSULTATION

The Director of Corporate Services, Head of Finance, Chief Constable and the Director of Infrastructure Services have been consulted in the preparation of this report.

**SHEONA C HUNTER
CLERK TO THE LICENSING BOARD**

NOTE: The background paper (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report was:-

- Report No 231/11 – “Review of Conditions Applied to Tax/Private Hire Car Licences and Taxi/Private Hire Car Drivers Licences”