

REPORT TO: Licensing Sub-Committee

MEETING DATE: 11 October 2012

BY: Executive Director (Support Services)

SUBJECT: Proposed Amendments to Conditions of Licence- Taxi and Private Hire

1 PURPOSE

- 1.1 To advise the Sub-Committee of proposed changes to the conditions of Taxi and Private Hire car licences relative to age of vehicles and signage

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee consider the proposed changes to the conditions of Taxi and Private Hire Car licences as detailed in Paragraph 3 below.
- 2.2 That the Sub-Committee authorise the Corporate Legal Advisor and such officers as she may designate to consult with the taxi trade on the proposed changes.
- 2.3 That the Sub-Committee accept a further report in November, following said consultation and, after considering any objections and comments received, approve the amended wording to take effect from a date to be decided by the Sub-Committee.

3 BACKGROUND

- 3.1 The terms of the taxi/private hire car licence issued by East Lothian Council, a copy of which is attached hereto, contain provisions regarding the acceptable age of vehicles for which a licence may be granted. However, the current wording leaves an unnecessary doubt as to how flexible the condition is intended to be. The wording in question is contained within condition 9. It is felt that the inclusion of the words “prima facie” as shown in bold type on the copy attached, add nothing to the intention of the condition and simply reduce the clarity of the condition. It is thus proposed that these words be deleted, to the effect that the condition will simply state that the vehicle will be unsuitable for

renewal if more than six (or twelve) years old. This increases clarity and avoids potential confusion regarding this condition.

- 3.2 At present, Private Hire Cars require to have an illuminated screen light and a disc to show them as properly licensed vehicles. Each such screen light costs in the region of £40 to install. It is proposed to cease using such screen lights and discs, and instead utilise a sign which would be affixed to each side of the vehicle. These signs cost in the region of £3 each and so the financial saving to the Council over the current system is obvious.
- 3.3 Attached to this report are pictures of the current screen light and the proposed new adhesive sign. The current Private Hire Car licence makes reference to the screen light and disc. It is this proposed that the conditions be amended to remove reference to the screen light and disc and make reference to the new sign instead. It is thus proposed that the words “or the licence disc in the case of a private hire car” be removed from condition 11 and that condition 19 be deleted and replaced with the following- “the adhesive signs supplied by the Council shall be applied to the vehicle, one on each side, forthwith and shall be kept clearly visible at all times when the vehicle is in use”.
- 3.4 At present, if a taxi or private hire car is taken out of service by being “red-stickered” by the Transportation department, a sign (in red, hence the term) is placed on the vehicle. It has become apparent that this sign can be removed by the driver relatively easily. It is thus proposed that a new system be adopted whereby the licence plate is covered by an adhesive “suspended” notice which cannot be easily removed and will thus prevent the possibility of such clandestine use of suspended vehicles. A picture of the proposed label is attached to this report.
- 3.5 If the Sub-Committee are in agreement with these proposals, the intention would be to consult with licence holders regarding the suggested changes, and thereafter report back to the Sub-Committee in November for final confirmation. The changes would come into effect thereafter at a date recommended in the next report, not earlier than the start of 2013 so as to enable the trade to adapt to the changes.

4 POLICY IMPLICATIONS

- 4.1 None. As Licensing Authority, the Council may impose or amend conditions of licence as deemed necessary subject to appropriate consultation.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – Changing from the current screen light to the proposed sign for Private Hire Cars is estimated to result in a saving of approximately £34 per car.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Taxi/PHC Licence conditions

AUTHOR'S NAME	Morag Ferguson
DESIGNATION	Corporate Legal Advisor
CONTACT INFO	Ian Forrest, Senior Solicitor, x7389
DATE	27 September 2012



East Lothian
Council

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
PRIVATE HIRE LICENCE

Renewal 2012 to 2013 Completion Licence

John Muir House, Haddington, East Lothian, EH41 3HA, as licensing authority for the purposes of Sections 10 to 23 of the Civic Government (Scotland) Act 1982.

GRANT this TAXI LICENCE NO licensed

to: (a) Licence Holder:
Address

and (b) Name, designation and address
of employee or agent carrying
out the day to day management
of the vehicle

and the holder of the licence shall be construed accordingly in terms of the Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(8)

to OPERATE the following vehicle:

Vehicle Registration No

Make and Model

Engine Capacity

Colour

in respect of which <type>

Serial Number:

Issued at Vehicle Testing Station No:

Address

on
by

has been exhibited, as a TAXI CAR throughout East Lothian

from
to

Subject to the terms and provisions of Parts I & II and Schedule 1 to the Civic Government (Scotland) Act 1982 and subject to the following conditions:-

GENERAL DUTY

1. It is the licence holder's duty and responsibility to ensure that the licensed vehicle complies in all respects with the requirements of all Acts and Regulations relating to motor vehicles, including insurance, in force at the time of application for licence and that the licensed vehicle and its insurance are so maintained while licensed.

PRODUCTION OF DOCUMENTS

2. Documents and certificates of registration and insurance shall be produced by the licence holder to East Lothian Council as licensing authority and to the police whenever requested.

MAINTENANCE OF VEHICLE

3. The licensed vehicle, including all bodywork, upholstery and fittings, shall be maintained, by the licence holder in a good clean and serviceable condition.

M.O.T. CERTIFICATE

4. A current Department of Transport Certificate (MOT Certificate) shall be held by the licence holder in respect of the licensed vehicle and shall be produced to East Lothian Council as licensing authority and to the police whenever requested.

JOINT LICENCE HOLDERS

5. Where a vehicle licence is granted jointly in the names of an applicant, whether a natural person or not, and of an employee or agent of that applicant:-

(i) the names of both the applicant and of the employee or agent must be included and shown in the insurance document as the insured;

(ii) East Lothian Council as licensing authority may require to be produced to them satisfactory evidence that the person named as employee or agent is the person responsible for the day to day management of the licensed vehicle and that he or she has a bona fide business relationship with the applicant.

TYPE AND SIZE
OF VEHICLE

6. The licensed vehicle and any substitute vehicle on this licence shall be of a suitable type, size and design to the satisfaction of East Lothian Council as licensing authority and shall have no less than four doors so that it is capable of withstanding the loads and stresses likely to be encountered in service. A vehicle originally designed to carry more than eight passengers and therefore requiring to be adapted for use as a taxi or private hire car must be adapted prior to licensing to the satisfaction of East Lothian Council. The Certificate of Registration for the vehicle must be amended by DVLC, Swansea, and produced by the licence holder before any Licence can be issued. East Lothian Council reserve the right to determine the suitability of any such vehicle and do not warrant in advance that any adapted vehicle will be accepted for licensing.

AGE OF VEHICLES FOR
NEW LICENCE

7 Vehicles presented for grant of a new licence shall be no more than three years old (since date of first registration) on the date when the licence is granted or to be granted.

AGE OF VEHICLES FOR

8. Vehicles presented for substitution, including temporary substitution, on an existing SUBSTITUTION ON licence (i) shall be no more than six years old (since date of first registration) on the date EXISTING LICENCE when the substitution on the licence is to take effect and (ii) shall not be older than the vehicle to be replaced as at the date or proposed date of substitution on the licence.

AGE OF VEHICLES FOR
RENEWAL OF LICENCE

9. (i) Saloon-type and other regular production vehicles presented for renewal of licence shall be regarded, **prima facie** as unsuitable if more than six years old (since date of first registration) on the date on which the renewal of licence is to take effect.

(ii) Purpose built taxi-cabs and limousine-type vehicles shall be regarded **prima facie** as unsuitable if more than twelve years old (since date of first registration) on the date on which the renewal of licence is to take effect.

East Lothian Council as licensing authority reserve the right to determine the description of a "limousine-type" vehicle in the application of this condition.

Provided that it shall be open to any licence holder to request East Lothian Council as licensing authority to give special consideration to existing licensed vehicles which become excluded by the passage of time under the foregoing age limitations and the Council may, at their discretion, require an independent expert vehicle inspection report to be provided by the vehicle licence holder at his own expense, in support of such request.

FEES ON TEMPORARY
SUBSTITUTION OF
VEHICLE

10. Where a licence holder wishes a vehicle to be substituted on a licence on a temporary basis in the event of major repairs or accident or similar occurrence then providing the original vehicle is reinstated within 30 days only one substitution fee shall be payable.

RENEWAL OF LICENCE
AND CANCELLATION
AFTER 30 DAYS IF NOT
RENEWED

11. Licences require to be renewed prior to their expiry date unless not less than one month's previous notice is given to East Lothian Council as licensing authority by the licence holder of circumstances preventing reasonable compliance with this requirement.

Where such previous notice is given a licence holder shall be required to renew the licence within thirty days of the original renewal date.

Any licence not renewed in accordance with the requirements of this condition shall be deemed to have lapsed at the expiry of thirty days after the original

renewal date and thereupon cancelled and the licence plate in the case of a taxi or the licence disc in case of a private hire car shall be returned to East Lothian Council as licensing authority forthwith.

- FARE STRUCTURE 12. The current fare structure for taxis as approved by East Lothian Council as Licensing authority shall be registered and shown at all times on taxi meters on licensed taxis and on private hire cars where taxi meters are fitted and no other fare structure shall be registered or shown on taxi meters on licensed vehicles. In the event of any change in the fare structure approved from time to time by East Lothian Council as licensing authority the licence holder shall ensure that adjustments to taxi meters to show the revised fare structure are carried out within thirty days of the new fare structure taking effect.
- FIRE APPLIANCE 13. An appliance for extinguishing fire shall be carried in the licensed vehicle in such a position as to be readily available for use and such appliance must comply with the requirements relating to Fire Extinguishing Appliances for use on Public Service Vehicles.
- PRODUCTION OF 14. The licence holder shall during the currency of the licence produce the licensed Vehicle when required on 24 hours notice for inspection by a nominated officer of the Council or by a named engineer or garage on behalf of the Council, either at Council Buildings, Haddington, or at such other place or garage within East Lothian as the Notice shall specify.
- CONVICTIONS AND OTHER MISCONDUCT 15. The conviction of the vehicle licence holder or of any driver employed by the vehicle licence holder for any contravention of provisions of the Civic Government (Scotland) Act 1982 relating to taxi and private hire car licensing or of the Road Traffic Acts and any Regulations thereunder, including the Construction and Use Regulations, or any other misconduct, shall be reported by the vehicle licence holder to the Corporate Legal Adviser of East Lothian Council and thereafter shall be considered by the Licensing Sub Committee of East Lothian Council and that Committee may, after hearing the vehicle licence holder and the driver as the case may be, suspend the licence or licences. The provisions of Schedule I to the Civic Government (Scotland) Act 1982 apply and are referred to for their terms.
- LIABILITY OF VEHICLE LICENCE HOLDER FOR ACTIONS OF DRIVER IN CERTAIN CIRCUMSTANCES 16. Without prejudice to the generality of Condition 15, where any driver is convicted under Section 21(5) charging excess fares or Section 21(6) breaking seals operating or driving with broken seals of the Civic Government (Scotland) Act 1982 the holder of the taxi licence or as the case may be the holder of the private hire car licence may be held by East Lothian Council as licensing authority to be vicariously liable for the actions of his driver and the vehicle licence, after hearing the licence holder and the driver concerned, may be withdrawn.
- LIST OF DRIVERS 17. The holder of a taxi licence or private hire car licence shall keep a list of the names of licensed drivers employed by him at any time and such list shall be made immediately available on request to the police or to East Lothian Council as licensing authority.
- TESTING OF METERS 18. It shall be an offence to operate a licensed vehicle to which a taxi meter is fitted without that meter having been tested and scaled as fitted to and in operation upon that particular licensed vehicle.
- SCREEN LIGHT 19. The Screen Light issued by the Council for the licensed vehicle shall be installed forthwith. At all times when the licensed vehicle is in use said screen light shall be illuminated.**

Corporate Legal Adviser



East Lothian Council



East Lothian Council

**LICENSE
SUSPENDED**

TO CARRY:

4 PASSENGERS

THIS PLATE WAS ISSUED BY EAST LOTHIAN COUNCIL AND REMAINS THEIR PROPERTY

ADVANCE BOOKINGS ONLY

PRIVATE HIRE



East Lothian

105

PRIVATE HIRE CAR



**East Lothian
Council**

PRE-BOOKED ONLY