

REPORT TO: Licensing Sub-Committee

MEETING DATE: 13 December 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 the results of the consultation on proposed changes to licensing conditions regarding the age of vehicles and the signage to be used on Private Hire Cars.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee consider the terms of the letters of objection received, as documented below, and the comments of the Council Transportation Department, and either (a) adopt the proposed changes and determine a date for these coming into effect; (b) make amendments to the proposals in line with the objections received; or (c) abandon the proposals and retain the status quo.

3 BACKGROUND

- 3.1 A report was submitted to the Licensing Sub-Committee on 11 October 2012 proposing changes to current procedures in three areas. One of these, relative to a new form of "red sticker" label to be used on cars which are suspended from active service, was accepted at that meeting. The Sub-committee agreed as regards the other two matters that I would consult with representatives of the Trade and report back to the Sub-Committee with the results of said consultation.
- 3.2 The first proposal was that the wording of the current taxi/PHC licence be amended relative to the clauses on the age of vehicles, in particular to remove the words "Prima facie" where they appear in clause 9, as the inclusion of these words simply clouds the clarity of the clause. If the amendment were accepted, it would be the clear position that a vehicle which had reached the age of six years (or twelve for custom built cabs) would no longer be suitable for renewal of licence.

- 3.3 The second proposal was to replace the current system of screen lights for Private Hire cars with an adhesive label which would be placed on each door/side of the cars. This would result in a significant financial saving to the Council. Currently the screen light costs around £40 per vehicle. The proposed labels would in contrast cost approximately £3. Appropriate rewording of certain conditions within the PHC licence, as highlighted in the previous report, would be required should this proposal be implemented.
- 3.4 Following consultation on these proposed changes, two letters of objection were received. These are attached to this report. It will be noted that one of the letters objects to the proposed adhesive labels but supports the clarification of the age of vehicles. The letter suggests a more acceptable solution would be to retain the current screen light system but pass the cost thereof onto the operators. In contrast the other letter suggests that the six year limit is too arbitrary and should actually be relaxed. At present the final paragraph of clause 9 does give the Licensing Authority some leeway to consider a renewal application in respect of an older vehicle. At the previous meeting the Sub-Committee were of the view that this wording should be retained.
- 3.5 The Sub-committee require to consider these letters and come to a decision on whether to proceed with the proposals. If the changes are to be introduced there will require to be a reasonable lead-in time to enable operators to prepare for the changes, particularly in the case of those with vehicles close to or over the six year age level.
- 3.6 Further, the memo from Transportation which is also attached hereto highlights certain changes to the wording of the current Guidance document for taxi/PHC which will be required to bring that document into line with the proposals. The Sub-Committee are therefore asked to approve these changes in the event that they agree to implement the proposals.

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

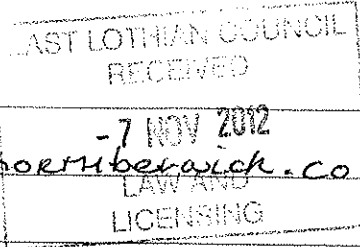
- 6.1 Financial - Changing from the current screen light to the proposed sign for Private Hire Cars is estimated to result in a saving of approximately £34 per car.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Report to Licensing Sub-Committee dated 11 October 2012.
- 7.2 Two Letters of objection dated 7 November 2012.
- 7.3 Memo from Transportation dated 28 November 2012.

AUTHOR'S NAME	Morag Ferguson
DESIGNATION	Corporate Legal Advisor
CONTACT INFO	Ian Forrest, Senior Solicitor
DATE	3 December 2012

ELITE PRIVATE HIRE
32 LONGSTONE AVE
EAST LINTON
EH40 3BS



elitenorthernberwick.co.uk

Dear Sirs,

I would like to make an objection to the proposed amendments to private hire vehicles.

The screen lights I appreciate costs the council £40 to supply and install. Why can that cost not be applied and paid for by the customer themselves?

I would rather incur the cost of the light myself rather than have my vehicle's covered in "large tacky stickers".

The by rule I agree with there are too many old and run down vehicles posing as taxis.

I have recently began as a private

hire company and operate to a very high standard giving a professional service to our customers. We have a dress code for all the drivers and intend to be the best at what we do. We have set a standard, obey all the rules and regulations and put other companies around us in the shade.

I'm in favour of taxi inspectors being out there just so other firms will pull their socks up a bit and prevent lowering the tone.

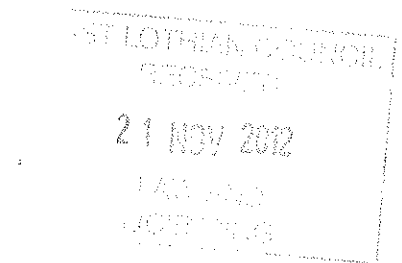
The stickers you have proposed are going to lower the tone. We have our Seghriwindly badges and screen light is this really necessary to have more added to the cars.

Yours faithfully,
Shirley Doyall
T/A ELITE PRIVATE
HIRE

JONATHAN GILLIES T/A ALBA TAXIS
12 GOSHEN FARM STEADING
MUSSELBURGH
EAST LOTHIAN
EH21 8JL

7 NOVEMBER 2012

IAN FORREST
EAST LOTHIAN COUNCIL
JOHN MUIR HOUSE
HADDINGTON
EAST LOTHIAN
EH41 3HA



Dear Mr Forrest

PROPOSED AMENDMENTS TO CONDITIONS OF TAXI/PRIVATE HIRE
LICENCE(S) AND REPLACING SCREEN LIGHTS/DISCS FOR NEW
ADHESIVE SIGN - CONSULTATION

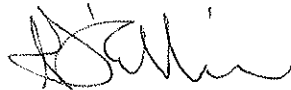
In response to your letter dated 25th October 2012 regarding the above :-

1. I fully support the replacement of screen lights for adhesive signs . The sign is more apparent and recognizable and cost effective to both operator and Council .
2. I object to the removal of the words “prima facie” and thus the removal of the flexibility that the current condition of the age of vehicles implies for the following reasons:
 - (i) I currently have three vehicles with private hire discs and as the economic climate worsens (especially in the taxi trade) I find my vehicles annual mileages decreasing . I would therefore prefer to extend a renewal date beyond six years old .
 - (ii) Vehicle manufacturers are consistently extending the warranties ,durability and reliability of cars . I would therefore prefer to extend a renewal date beyond six years old .
 - (iii) In my twenty year experience- to purchase a vehicle at four years old and licence for three/four years is the most economical method to licence private hire vehicles. I would therefore prefer to extend a renewal date beyond six years old .
 - (iv) As the current licence procedure allows , a private hire vehicle beyond six years old can be renewed as long as it passes the Council inspection (£223.00) .Therefore the only criteria separating a six year old vehicle (going through the same inspection) from a seven year old vehicle, is the year identified on the number plate – does this detract from the service provided ?
 - (v) The correlation between age of vehicle and repair/faults/breakdown exists to a far greater extent between MILEAGE and repair/faults/breakdown . I would purchase a

four year old vehicle with 12,000 miles before a two year old vehicle with 60,000 miles , and would therefore prefer to extend a renewable date beyond six years old .
(vi) Resource implications are twofold if the Council does not renew vehicles over six years old . Personally ,either, reinvestment would apply to two vehicles instead of three- lost revenue for the Council in respect of £223.00 licence fee (and £40.00 retest if applicable) , or to licence three vehicles – contract tender prices increase.

Thank you for your consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Gillies', written in a cursive style.

JONATHAN GILLIES

Email

From: Maree Winter
Date: 28 November 2012

Hi Ian/Catherine

Please see response from Ian Dagleish regarding the report to go to committee on the 13th December.

Regards
Maree
Licensing Admin Assist.
Litigation & Licensing
Law & Licensing
East Lothian Council
01620 827867
mwinter@eastlothian.gov.uk

From: Dagleish, Ian
Sent: 28 November 2012 10:36
To: Winter, Maree
Cc: Kelley, Alan; Kane, Brian; Tumulka, Peter
Subject: Conditions guidance

Maree

As discussed if the approval is given for the removal of the screen lights and replacement with door stickers then the following alteration will be required in the Guidance:

Page 8 Cleanliness and appearance Remove 10th item "Check window mounted Private Hire sign" including failure criteria.

As a result of this change it is probably wise to insert a further check on Page 17 "Doors" and in the Inspection column insert "Check doors for "Private Hire" sticker (Private Hire vehicles only)" and Failure column "Insecure", "Worn" and "Not Fitted".

I also noticed that there is reference to Keith on Page 7 of the Guidance and therefore this will also require to be changed.

Any queries let me know.

Cheers

Ian

Ian Dagleish
Transport Services Manager

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