

REPORT TO: Licensing Sub-Committee

MEETING DATE: 14 February 2013

BY: Executive Director (Support Services)

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

1 PURPOSE

- 1.1 To update the Sub-Committee on progress on the issues of amending licensing conditions in respect of the age of vehicles, and on the issue of new signage for private hire cars, following the decision of the Sub-committee at the meeting on 13 December 2012.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee consider the terms of the letter received from the East Lothian Taxi and Private Hire Association relative to the above proposals, and also consider the amended signage which has been produced relative to private hire cars, with a view to deciding whether to implement the proposed changes.

3 BACKGROUND

- 3.1 A report was submitted to the Sub-Committee on 11 October 2012 which proposed changes to the wording of certain taxi licence conditions so as to remove the words "prima facie" where they appear in condition 9, relative to the age of vehicles, as these words were considered to serve little purpose other than to add uncertainty to the particular licence condition. Removal of the wording would make it clear that vehicles would no longer be suitable for renewal of licence once they had reached the age of six years (or twelve in the case of custom built vehicles). A copy of the conditions in question is attached to this report.
- 3.2 That report also proposed that the current electric screen light and disc used for Private Hire cars be replaced by adhesive labels which would be affixed to the doors of vehicles, which would provide a financial saving to the Council in that the proposed labels cost in the region of £3 each and the current screen lights cost nearly £40.

- 3.3 The Sub-committee agreed to the Corporate Legal Advisor and such staff as she may appoint consulting with the taxi trade on these proposals and then reporting back to the Sub-committee. The subsequent report was presented at the meeting on 13 December 2012.
- 3.4 That report presented two letters which had been received regarding the proposals. One of the writers spoke to her concerns in person. Representatives of the Taxi Association who were present requested that the matter be deferred to allow them to consult with their members on the issues. The Sub-Committee agreed to defer consideration of the issues on the understanding that the Association would present written representations by the end of January 2013, and also to enable the Licensing Office to obtain some amended designs for the proposed adhesive labels, taking account of the concerns raised by the parties present at that meeting.
- 3.5 The proposed re-design of the Adhesive label for Private Hire cars is attached to this report. The re-design has removed the Council logo which previously appeared in the centre, and had been rendered in black and white as the original full colour version was considered somewhat garish by those who commented. This proposed design was issued to all operators under cover of a letter dated 14 January 2013, advising that the design would be considered for approval at this meeting.
- 3.6 A letter from East Lothian Taxi & Private Hire Association has been received and a copy is attached to this report. It is anticipated that representatives of the Association will be present at the meeting to speak to the content of this letter.
- 3.7 The Sub-Committee are requested to consider-
- (a) Whether to adopt the proposed adhesive label for private hire cars, as amended, in place of the current screen light; and
 - (b) Whether to approve the proposed alteration of the wording of the licence conditions relative to the age of vehicles, in the light of the views expressed by the Association in the attached letter.

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 vehicle.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Reports to Licensing Sub-Committee dated 11.10.12 & 13.12.12
- 7.2 Taxi/PHC conditions

AUTHOR'S NAME	Morag Ferguson
DESIGNATION	Corporate Legal Advisor
CONTACT INFO	Ian Forrest, Senior Solicitor, x7389
DATE	31 January 2013

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
Engine Capacity

Make and Model
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
SUBSTITUTION ON**

8. Vehicles presented for substitution, including temporary substitution, on an existing licence (i) shall be no more than six years old (since date of first registration) on the date 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.

**FEEES 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

John Muir House
Haddington
East Lothian, EH41 3HA

PRIVATE HIRE CAR

**PRE-BOOKED
ONLY**

EAST LoTHIAN COUNCIL

Private Hire

EAST LOTHIAN TAXI & PRIVATE HIRE ASSOCIATION

MARIE / CHAIRPERSON
EAST LOTHIAN LICENSING SUB COMMITTEE
EAST LOTHIAN COUNCIL LICENSING DEPARTMENT
JOHN MUIR HOUSE
HADDINGTON
EAST LOTHIAN.

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LIC SUB COMMITTEE.

Ladies and gentlemen I thank you for your time for looking at this matter . And may we take this opportunity to respond.

1. The wording . The proposal is to change or remove the wording ...prema faciefrom the current conditions of fitness for private hire cars that east Lothian council currently license .

East Lothian taxi and private hire association crave that the wording should stay as it is

We feel that a six year old rule would be rather harsh to many operators on the grounds that .

1. We feel that there are many ways that a car six year or older would be good enough to service our clients in east Lothian .

We in east Lothian need a very diverse and wide range of cars to suit our clients . We need to take things into account likeexecutive hirewedding cars or wedding work etc.....school worktransport for the disabled / special needsolder and infirm clients who would find it very hard to get in to a purpose built taxi .

Indeed we find a very large number of older people have what they call a favourite car and will wait until that particular car becomes free so that they can get what they are used to .

Comparison on running costs.

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I Colin Paxton Colin's cabs haddington bought a taxi in November 2011 the cost to put this car on the road are as follows

1. The purchase of the car was £13.100 inc road tax and delivery
2. Buy and fit a meter £ 320.00
3. Fit a 2 way radio which I had £ 40.00.
4. Insurance for the year is approximately £ 1700.00
5. Taxi test £ 223.00.....So before running costs we have an initial outlay of £15.383.00

6. The typical running costs associated with running a car like this that is doing 25.000 miles per year is £ 175.00 per week on fuel and then drivers wages 25 hours a week = £ 170.00running costs tyres / oil / maintenance ets at £30.00 road tax 96.00 per year . This brings the weekly total to £ 471.00 per week £24.492.00 per year before any profit or re-investment can be made .

It should also be noted that there are many different types of taxi and private hire cars on the road in east Lothian and many much larger than this one and there for running cost will be higher .Maintenance costs tend to get higher as the car gets older so £ 30.00 per week is a good average for this type of car as in the first 2 years it would be a little lower than the £ 30.00 quoted above .

7. If we split only the costs of putting the car on the road over the five year period .
£. 15.383.00 Divided by the five years shelve life that would be implemented under the new proposed age rule . This car before running costs would mean a £ 3.076.60 investment a year £ 256.36 per month before the car moves a wheel .

PLEASE SEND ANY CORRESPONDENCE TO 8 BROWN STREET HADDINGTON EAST LOTHIAN EH41 3JH TEL 01620--825-825 OR FAX 0162082-5763 ADDRESSED TO MR COLIN PAXTON CO-CHAIRPERSON E.L.T.P.H.A

EAST LOTHIAN TAXI & PRIVATE HIRE ASSOCIATION

Page 2 .

This car that we are talking about the one above which I hope to be able to let the lic sub committee see on the day of the meeting as an example . This car is currently licensed as a taxi with east Lothian council and has a 11 year shelve life is fully wheelchair excess able . If I was to simply remove the taxi sign from the top of this car and license it as a private hire car the car would loose six years of its shelve life .

We the association would dearly like to know why this should happen .

We also hope to be able to show some other examples as well . Such as cars that have very low mileage but under new and current rules would not be able to be tested by east Lothian council

Example 2 if I had a 12 year old taxi that was coming to the end of its shelve life under the current rules I would be able to take a 5 year old private hire car such as this one that we are talking about above that could be converted into a wheelchair access able taxi and replace it with this 5 year old motor that the council would be ending its shelve life as a private hire car at six years old . Thus extending its life by 7 years . How can this be it does not make any sense to the association at all .

We in the past have had members that have presented there cars / taxis for test at macmerry testing station to be told not to present this car for inspection again as it is not considered good enough to be tested again .

We would also like to say the the company who provide the purpose built taxi such as the ones that are seen on the streets of Edinburgh the biggest provider of purpose built taxis in the world is currently in the hands of the receiver for the third time in 12 years . As most operators look to other companies that provide a conversion service and other makers that are far more reliable than the purpose built London taxi cab

So we east Lothian taxi & private hire association crave that the present system and wording be left as is .

And that the six years replacement rule be relaxed / replaced so as to read if the replacement / substitution vehicle is fit for purpose no matter what age the vehicle is as this seems to be the rules that apply in most other areas ..Both to taxis and private hire cars .

And that the measurement across the back seat rule should be scrapped. As we do not believe that this rule is applied any more. For private hire cars .

And that the engine size should be dropped from 1500 cc to 1200cc for a saloon type private hire car . As manufacturers are building better engines and cars . And that we as operators find that we can achieve a far better economy . And that also we find that we are doing far more journeys with just one person in the car at a time . And we also find that older people prefer the saloon type of car .

Also another matter that was raised is that test dates should run from the anniversary of the last test date . Not from the date the vehicle is tested ...as happens with an m.o.t..... As many members feel that they are loosing two or three weeks every time that a car is tested .

And also if screen lights are to be replaced by east Lothian council stickers @ a cost of £ 6.00 per car we would like to see a reduction in the licensing fee to reflect this .

Yours sincerelycolin Paxton / George brooks ...co ...chairpersons east Lothian taxi and private hire association .

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