



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE OF THE CABINET**

**THURSDAY 14 NOVEMBER 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J McNeil (Chair)
Councillor J Caldwell
Councillor D Grant
Councillor J Williamson
Councillor F McAllister

Council Officials Present:

Mr I Forrest, Legal Adviser
Ms M Winter, Licensing Administration Assistant
Mrs K MacNeill, Service Manager – Licensing, Administration & Democratic Services
Mr I Dalgleish, Transport Services Manager

Others Present

PC H Bowsher, Police Scotland
Insp A Harborow, Police Scotland
Mr G Brooks (East Lothian Taxi and Private Hire Association) – Item 1

Clerk:

Mrs F Stewart, Committees Assistant

Apologies:

Councillor J McMillan

Declarations of Interest:

None

The Chair welcomed everyone to today's meeting. He introduced Kirstie MacNeill who would become Legal Adviser to the Sub-Committee in January 2014 and thanked both Ian Forrest and Catherine Molloy for their guidance in this role to date. The Chair also introduced Ian Dalgleish, the Council's Transport Services Manager.

The Chair intimated that Item 1 on the agenda would be heard following the private business of the Committee.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

2. Applications for Grant of Taxi/Private Hire Car Driver's Licence

The Sub-Committee had received three applications for grant of a licence; two were refused and one was continued.

3. Applications for Renewal of Taxi/Private Hire Car Driver's Licence

The Sub-Committee considered two applications for renewal of a licence and both were agreed.

4. Suspension of Taxi Driver's Licence

The Sub-Committee agreed to suspend the licence of one taxi driver.

PUBLIC

1. AGE OF TAXI VEHICLES

The Depute Chief Executive, Resources and People Services, had submitted a report to advise of ongoing discussions with the taxi trade regarding the question of the age limits on taxi vehicles being accepted for renewal of licence, in the light of recently approved amendments of licensing conditions in that connection, and current proposals for further amendment.

The Legal Adviser stated that, in a series of reports to the Sub-Committee between October 2012 and February 2013, consideration had been given to a proposal to amend Condition 9 of the Council's conditions for taxi licences relative to the age of vehicles. The result of the change would have meant that a taxi which had reached

the age of 6 years (or 12 in the case of purpose-built vehicles) would not be accepted for renewal of licence. Following this proposal being advertised, one objection was received within the consultation period. The East Lothian Taxi and Private Hire Association (ELTPHA) thereafter submitted a response to the proposals which was considered at the meeting of the Sub-Committee on 14 February 2013. At that meeting the proposed change to the licensing condition was approved. However, since February, the taxi trade had expressed considerable concern about the effect of the amended condition.

The Legal Adviser stated that if the condition was to be further altered in any way, a further consultation period would be required. He advised that many Councils in Scotland no longer have an age limit criteria in place for determining the suitability of a vehicle for renewal of licence. Some of those Councils operate a system whereby older vehicles require to be tested more frequently than once per year in order to satisfy those Councils that such vehicles remain suitable for renewal of licence. The results of an informal bench-marking operation on this issue were attached to the report.

Following further consideration of the matter, Paragraph 3.8 of the report proposed that:

- (i) Condition 9 of the conditions of licence is removed altogether, to the effect that there would no longer be an age limit on the acceptability of vehicles submitted for renewal of licence. Licensing of a vehicle would thereafter be determined purely on the issue of safety/roadworthiness, irrespective of its age.
- (ii) Testing of vehicles being submitted for renewal of licence be increased from on an annual basis to once every six months once the vehicle has reached an agreed trigger age - currently suggested as 6 years (or 12 years in the case of purpose built vehicles).
- (iii) Any consequent amendments or alterations required to other licence conditions, and to guidance and procedural notes and information, be adopted as part of this proposed alteration.

The Chair stated that the matter of resolving the issues raised by Condition 9 had proved challenging. He proposed that a period of consultation which was normally 28 days, could be extended to 20 December 2013 and a report would come back to the Sub-Committee in January 2014 with the recommendation of the public.

Ian Dalgleish, Transport Services Manager, stated that his concern was for the safety of older vehicles. He pointed out that technology had advanced considerably in the past 5 years and older taxis would not have the latest safety features. Testing vehicles over the age of 6 years every six months would also result in additional demands on the testing centre.

George Brooks, Chair of ELTPHA, advised that a copy of this report would be issued to all taxi operators and his members would consider the proposals at a meeting on 20 November. He, personally, was satisfied with the recommendations.

Kirstie MacNeill advised that the proposals would also be posted on the Council's website in order to reach as wide a public as possible.

Decision

The Sub-Committee agreed to:

- (i) note the concerns being expressed by the taxi trade;
- (ii) authorise the Corporate Legal Advisor and such staff as she may appoint to carry out a further consultation on the amendments to the licensing conditions and practices proposed at paragraph 3.8 of the report; and
- (iii) to accept a further report following the consultation period and make a final decision on the proposed changes to the terms of licence in the light of consultees' comments.