



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

**THURSDAY 13 FEBRUARY 2014  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

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

**Council Officials Present:**

Mrs K MacNeill, Service Manager, Licensing, Administration & Democratic Services  
Mr I Forrest, Senior Solicitor  
Mr A Kelley, Transport Compliance Officer  
Ms D Richardson, Licensing Administration Officer

**Others Present**

Insp A Harborow, Police Scotland  
PC J Leslie, Police Scotland  
Mr A Williams, Solicitor (Item 5)

**Clerk:**

Mrs F Stewart, Committees Assistant

**Apologies:**

None

**Declarations of Interest:**

None

The Chair welcomed everyone to today's meeting. He proposed that today's business began with the private items on the agenda and this was agreed by Members.

## **1. TAXI FARE REVIEW**

The Depute Chief Executive, Resources and People Services, had submitted a report to consider the revised scale of the fares provided by the East Lothian Taxi and Private Hire Association.

The Legal Adviser stated that the Sub-Committee had approved the taxi fare review at their meeting on 12 December 2013, when the East Lothian Taxi and Private Hire Association had provided their revised scale of fares.

The Chair stated that the last taxi fare increase was in 2010 and noted that the increase proposed today was 10%. In view of fuel increases, he considered that the proposals were reasonable. Members discussed the matter in more detail, comparing the rates with neighbouring Councils and making minor amendments to the new scale of fares; the valid dates being changed to 2014/2015 and the cleaning charge for sickness due to alcohol being amended to car valeting.

### **Decision**

The Sub Committee agreed that the proposed scale of fares could proceed to consultation and authorised the Manager, Licensing, Administration and Democratic Services and such officers as she may appoint, to advertise the proposed scale of fares in the local East Lothian Newspapers, giving the public 28 days in which to make any representations.

## **2. AGE OF TAXI VEHICLES**

The Depute Chief Executive, Resources and People Services, had submitted a report to advise the Sub-Committee of the responses received to the public consultation launched following the meeting of the Sub-Committee on 14 November 2013.

The Legal Adviser explained the background to this report. He 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 proposal was to delete the words 'prima facie' which were deemed to confuse the meaning of the condition and this was approved at the Sub-Committee meeting on 14 February. However, following that decision, there had been considerable disquiet within the trade to the implications of this decision. As a result, a report with three new proposals was submitted to the Sub-Committee on 14 November to effectively reverse the changes.

- a) 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.
- b) Testing of vehicles being submitted for renewal of licence to 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).

- c) 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.

A public consultation period on the new proposals closed on 29 January 2014 and a total of 13 responses had been received (appended to the report).

Members discussed the terms of the report in detail and consulted the Council's Legal Adviser and Transport Compliance Officer.

The Chair requested that a report comes to the next Sub-Committee meeting advising the charge which would apply for the 6-monthly MOTs and giving details on the administration of the new regulations.

### **Decision**

The Sub-Committee agreed to:

- (i) Consider the terms of the responses attached as an Appendix to this report and the views of the Transportation division as outlined in paragraph 3.7 of the report.
- (ii) Decide, in the light of the responses received to the consultation, to confirm the proposals regarding the Age of Taxi vehicles which were put to the Sub-Committee at the meeting on 14 November 2013, as enumerated at paragraph 3.4 of the report.
- (iii) Authorise the Manager, Licensing, Administration & Democratic Services and such officers as she may appoint to implement any further action required as a result of the decision taken in respect of point (ii) above.

### **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.

#### **3. Applications for Grant of Taxi/Private Hire Car Driver's Licence**

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

#### **4. Applications for Renewal of Taxi/Private Hire Car Driver's Licence**

The Sub-Committee considered eight applications for renewal of a licence; six were agreed and two were continued to the March meeting.

#### **5. Suspension of Taxi & Private Hire Car Operator's Licence**

The Sub-Committee agreed to continue the suspension of the three operator's licences until the expiry thereof.