



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

**THURSDAY 12 JUNE 2014  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor J McNeil (Chair)  
Councillor J Caldwell  
Councillor J McMillan  
Councillor John Williamson

**Council Officials Present:**

Ms C Molloy, Legal Adviser  
Mr I Forrest, Senior Solicitor  
Mrs K MacNeill, Service Manager – Licensing, Administration and Democratic  
Services (Item 3)  
Mr I Dalgleish, Service Manager – Transport (Item 3)  
Ms D Richardson, Licensing Administration Officer (Item 3)

**Others Present**

Insp A Harborow, Police Scotland

**Clerk:**

Mrs F Stewart, Committees Assistant

**Apologies:**

Councillor D Grant  
Councillor F McAllister

**Declarations of Interest:**

None

## **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.

### **1. APPLICATIONS FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE**

The Sub-Committee had received one application for a licence and this was granted.

#### **Public**

### **2. TAXI FARE REVIEW**

The Depute Chief Executive (Resources and People Services) had submitted a report to advise the Licensing Sub-Committee on the outcome of the newspaper advertisement of the scale of taxi fares and charges proposed by the East Lothian Taxi & Private Hire Association.

Mr George Brooks, Co-Chair of the East Lothian Taxi and Private Hire Association (ELTPHA) was present for this report.

Catherine Molloy, the Council's Legal Adviser presented the report. She advised that, following the decision of the Sub-Committee on 13 February 2014, the Licensing Authority had advertised the scale of taxi fares and charges (as proposed by ELTPHA) in the local newspaper. No representations had been received. Given the time to notify, allow time for appeals and to calibrate the taxi meters to the new rates, it was suggested that the new rates become operative in August 2014.

The Chair announced that a Public Notice displaying the new tariffs had been published in the East Lothian Courier on 28 March 2014. He also pointed out that taxi drivers and operators had not had a review of fares for 3 years during which time they had experienced an increase in costs. He was therefore satisfied with this report and invited comments from Members.

Councillor McMillan enquired if a date in August had been finalised for introducing the new rates and asked if it would present an operational problem if taxis were calibrated at different times. Mr Brooks advised that all taxis would be calibrated within 48 Hours at the VPMU.

#### **Decision**

The Sub-Committee agreed:

- i. To consider the advertised scale of taxi fares and charges and if approved to fix same

- ii. To note that the scale of the taxi fares and charges, as may be fixed by the Licensing Authority is to be given to the East Lothian Taxi & Private Hire Association (by virtue of Section 17 (4) of the Civic Government (Scotland) Act 1982.
- iii. To approve that the new rates become operative in August 2014
- iv. Approval to advertise the approved scales in the local newspaper

### **3. AGE OF TAXI VEHICLES**

The Depute Chief Executive (Resources and People Services) had submitted a report to advise the Sub-Committee of the outcome of discussions with Transportation on the practicalities surrounding the proposals for 6 monthly “walk round” tests of older vehicles following the decision of the Sub-Committee on 13.2.14.

Mr George Brooks, Co-Chair of the East Lothian Taxi and Private Hire Association (ELPHTA) was present for this report.

Ian Forrest, a Senior Solicitor of the Council, presented the report. He stated that, at their meeting of 14 November 2013, the Sub-Committee had agreed to public consultation on proposals to remove Condition 9 of the standard conditions of a taxi licence. This had the effect of removing the age limit which prevented taxis more than 6 years old (or twelve for custom made vehicles) from being submitted for renewal of licence. The consultation, open from late November until 29 January 2014, had resulted in 13 representations being received and those had been submitted to the Sub-Committee on 13 February 2014. Following consideration of the responses received, the Sub-Committee had agreed to implement the proposed change of conditions on the basis that affected vehicles would be subject to an additional ‘walk round’ examination six months after the usual full annual test. During subsequent discussions between the licensing team and the Council’s Transportation Department, it became apparent that Transportation were of the view that this proposal would not be workable in practice. Transportation pointed out that the purpose of the examination was to confirm that older vehicles are safe and reliable and therefore any examination carried out on a vehicle must be the full test which is carried out annually at present. As a result, the decision taken by the Sub-Committee on 13 February 2014 was unenforceable. Mr Forrest outlined the options open to the Sub-Committee, assuming that the decision to remove the age limit was to be upheld; Members could either proceed on the basis that the older vehicles are only tested on an annual basis or that the older vehicles undergo the full examination at the Council’s Vehicle Plant Maintenance Unit (VPMU) every six months, at the full cost on each occasion.

Ian Dalgleish, Service Manager for Transport, stated that it would be more satisfactory to do the same test on a vehicle every time. He pointed out that some vehicles with an MOT were failing on certain items when tested at the VPMU. Also, a ‘walk round’ system of checking would require guidance to be circulated so that the trade and garage knew exactly what was being checked. He proposed that the Council could consult with other local authorities which carry out two tests in a year. The Councils he had knowledge of carried out the same test on each occasion.

Mr Dalgleish confirmed for the Chair that he was proposing that the full test was carried out at the 6 monthly check on vehicles over 6 years of age and that the full test fee was charged.

Mr Brooks, Co-Chair of ELPHTA, could not understand how a Hackney cab was permitted to operate for up to 12 years and have up to 600,000 miles on the clock. He was also aware that other Councils carried out a 'walk round' check at the 6 month point when vehicles were over 6 years old. Mr Dalgleish's proposal would cost taxi operators over £300 for every 6 monthly check. While Mr Brooks' company used only new cars, he was aware of operators in East Lothian with cars 8 or 9 years old which had low mileage. He therefore proposed that the age limit on vehicles was extended to 8 years before a 6 monthly check became necessary. However, the Chair advised that the age limit would not be open to further negotiation at today's meeting.

Councillor Caldwell referred to an earlier comment and enquired if only one MOT for a vehicle would be acceptable and this could be reflected in the cost of the test. However, Mr Dalgleish replied that the Council's VPMU was not big enough to be granted a licence to issue MOTs.

Councillor McMillan enquired what the proposed time scale would be for the new consultation and the Council's Senior Solicitor advised that this process normally took up to 3 months. Councillor McMillan also stated that the safety of passengers was paramount and the quality of the taxi vehicles used in East Lothian was also important.

Councillor Williamson pointed out that the additional cost of the 6 monthly test would still be considerably cheaper for operators than the expense of purchasing a new vehicle.

The Chair stated that Mr Brooks was present to represent the members of the East Lothian Taxi and Private Hire Association, adding that it was unfortunate that not all taxi drivers and operators in East Lothian were members of the Association and therefore did not have a voice on such matters.

## **Decision**

The Sub-Committee agreed to:

- (i) Note that Transportation were of the view that the proposed "walk round" test was unworkable and that full tests would be required.
- (ii) Authorise the Manager, Licensing, Administration & Democratic Services and such officers as she may appoint to implement a further public consultation exercise with a view to determining alternative arrangements in respect of a testing regime for older vehicles.

## **4. LICENSING OF WINDOW CLEANERS AND SECOND HAND DEALERS**

The Depute Chief Executive (Resources and People Services) had submitted a report to advise the Sub-Committee of the proposed conditions to apply to the licensing of window cleaners and second hand dealers, and the proposed fee structure.

Ian Forrest, a Senior Solicitor of the Council presented the report. He advised that the Council had received a letter from Police Scotland dated 30 May 2013, requesting that the Council make resolutions to licence the activities of window cleaning and second hand dealing, activities which had not until now been licensed in East Lothian. The Sub-Committee had agreed to this request on 13 June 2013 and authorised officers to produce initial drafts of the proposed resolutions and liaise with the Police regarding their terms. The Sub-Committee had approved draft resolutions at its meeting on 10 October 2013 and authorised officers to advertise and consult on the proposals. The consultation period had ended on 25 November 2013 and no representations had been received. The Sub-Committee had formally approved the resolutions on 12 December 2013 and the new licensing regime would be effective from 15 September 2014. The proposed Conditions for both licences were contained in Appendices 1 and 2. It was also proposed that the window cleaners licence would last for one year and cost £50 and that the second hand dealers licence would last for 3 years and cost £220.

The Chair commented that he was pleased the Sub-Committee was working with Police Scotland to make East Lothian a safer place.

Councillor McMillan enquired about the type of ID card which would be provided to licence holders and was advised by the Senior Solicitor that it would be laminated and waterproofed.

The Chair pointed out that it would be a Condition of these licences, in common with taxi licences, that licence holders would be required to notify the Licensing Office of any offences/convictions.

The Police Inspector referred to Paragraph 12 (b) of the Conditions of Licence for Second Hand Dealers and stated that the Police would need to record proof of identity of the person goods were purchased from and the name and address of the buyer. He requested if this could be added to the Conditions. He also requested that Second Hand Dealers install CCTV cameras and retain footage for a certain period of time. The Legal Adviser agreed to consult the Council's Data Protection Officer on these requests.

Councillor Williamson referred to Paragraph 7 of the Conditions of Licence for Second Hand Dealers which states that licence holders must comply with any instruction given by a police officer in uniform and enquired about visits by plain clothes police officers. The Inspector replied that one dedicated plain clothes police officer would visit these businesses to build up a relationship with business owners and to avoid confusion or uncertainty.

The Council's Senior Solicitor advised that final proposals would be brought to the Sub-Committee for approval on 11 September 2014, after further consultations had taken place.

## **Decision**

The Sub-Committee approved the proposed licence conditions for window cleaners and second hand dealers and the proposed fee structures.