

**Civic Government (Scotland) Act 1982
Revised Best Practice: Taxi and Private Hire Car Licensing****Report by John Blair Director, Corporate Resources****1 Purpose of Report**

The purpose of this report is to appraise the Committee as regards the Scottish Government's Revised Best Practice for Taxi and Private Hire Car Licensing.

2 Background

Earlier this year, the revised Best Practice Guidance was issued. Copies of the revised Best Practice Guidance have been given to the Midlothian Taxi Owners' and the Private Hire Car Associations for their comments but, as yet, none have been received. The Chief Constable has been consulted.

As indicated previously, the guidance is still heavily reliant on guidance issued in England and Wales by the Department for Transport and places strong emphasis on market forces rather than the prevention of crime and preservation of public order and public safety.

A number of policy areas are touched on which have been given further examination. The various aspects of the Guidance have been reviewed and possible actions noted against each topic. Please see the **Appendix** hereto.

3 Report Implications**3.1 Resource Implications**

There are no resource implications arising directly from this report.

3.2 Risk Implications

There are no risk implications arising directly from this report.

3.3 Policy Implications**Strategy**

The proposals in this report relate to Licensing and Public Transport, etc Policies.

Consultation

Preliminary consultation has commenced involving the Midlothian Taxi Owners and Midlothian Private Hire Car Associations and the Police.

Equalities

An equalities impact assessment has not been carried out but, clearly, the thrust of the guidance aims at equality.

Sustainability

The sustainability implications have not been assessed and will be considered at a later date in report contact:

4 Conclusion

A number of issues are raised which require consideration as there will be an impact of Draft Conditions of Licensing which were agreed just prior to the issue of the Revised Best Practice Guidance.

In addition, there is an expectation that the Trade will be consulted about the level of fees.

5 Recommendations

The Committee is recommended to:-

- (a) note the report;
- (b) agree the recommendations shown in the **Appendix**; and
- (c) remit to the Director, in consultation with the Chair to meet representatives of the Trade and the Police to discuss the recommendations shown in the **Appendix** and review the effect on the draft conditions of licensing which were agreed earlier, including the question of fixed steps on Taxis;
- (d) await a further report.

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Background Papers: Revised Best Practice Guidance

Summary of Measures arising from the Revised Best Practice Guidance

(a) ENFORCEMENT

Consider the introduction of quarterly meetings with the Trade to discuss issues of interest eg enforcement;

(b) ACCESSIBILITY AND THE EQUALITY ACT

Await the UK Government's decision as regards implementation ie on the basis that measures have already been put in place to secure the position as regards the duty to carry guide, hearing and Assistance dogs ; and exemptions from the need to assist wheelchair passengers;

(c) VEHICLES

(i) Vehicle specification

Await guidance from the Cab Inspector as to the suitability of three-door vehicles with tail gate, for use as Private Hire Cars; and the intention to have no fixed list of vehicles; and in respect of vehicle testing, note the intention to carry out emissions testing on an ad hoc basis and more frequently than the full vehicle test;

(ii) Vehicle testing

In respect of the repetition of the previous guidance that local authorities should consider providing more than one testing centre for their area, note that an exercise was carried out in Midlothian in 2012 when it was concluded that, meantime at least, the existing joint arrangement involving the City of Edinburgh Council and West Lothian Council and the Police was accepted as the best possible solution for Midlothian;

(iii) Security

As regards the question of CCTV in taxis and private hire cars which is raised again, note that, currently the results of a pilot project in Edinburgh in this respect are awaited; compliance with the Information Commissioner's Office CCTV code of practice is required; and a more recent attempt to have front facing CCTVs is receiving attention and a report thereon will be added;

(iv) Vehicle identification

To note that no roof-top signs are permitted on Private Hire Cars so as to ensure that they are not confused with Taxis; and Private Hire Cars continue to be available for hire by prior booking only;

(v) Environmental considerations

To await a report back on the considerations involved to enable consideration to be given to the relationship between licensing conditions and any local environmental policies e.g. fuel;

(vi) Exemptions from licensing

To consider making representations that the loophole, whereby vehicles employed under contract for more than 24 hours were exempt from licensing, be closed so as to ensure that the exemption is not abused;

(vii) Licensing of stretch limousines and other special events vehicles

To seek advice from the VoSA in this respect;

(viii) Quantity restrictions on taxi licenses

To await the results of the impending survey of the demand for the services of taxis;

TAXI FARES

To note that the Taxi Fares have been reviewed;

LICENSING OF BOOKING OFFICES

To note that some difficulty has been experienced where licence holders operate via mobile telephones and it had been thought that this matter might have received attention in the Guidance; Mandatory conditions are applied; and consultations about any discretionary conditions that may be applied, have not concluded; and to support representation that the definition be altered to cover all types of booking ie to cover those taken by mobile phone;

DRIVERS

(i) Duration of licenses

To note that whilst the previous Best Practice Guidance appeared to favour three year licences, licensing authorities are now advised to “consider carefully whether this length of time between renewal provides an appropriate level of scrutiny, there being a balance to be struck between a policy which is not an undue burden on drivers and licensing authorities alike and one which provides reassurance to the travelling public; and to support the introduction of licences for one, two and three years depending on the wishes of the licence-holder (and to extend this to Taxis and Private Hire Cars (and other one year licences issued under the Civic Government (Scotland) Act 1982; and to implement a phased programme to introduce the link to medical fitness of drivers and the need for drivers to present as medically fit at five yearly intervals after 45 years of age;

(ii) Criminal record checks

To note that the need for an alteration to policy in relation to the background of applicants from other EU and non-EU countries via a certificate of good conduct authenticated by the relevant embassy will be further examined and a report back made;

(iii) Age limits

To continue the status quo as regards age;

(iv) Medical fitness

To note that there has been a shift in the criteria relating to the application of medical standards which provide for people who have insulin-dependent diabetes which more or less brings into line current practice in Midlothian;

(v) Driving experience

To note that an applicant for a taxi or private hire car driver's licence must have held a VOSA issued driving licence for the twelve month period immediately prior to the date of their application, applicable to first applications and renewals, to ensure that an applicant has recent driving experience prior to applying for a licence;

(vi) Driving proficiency

(1) Training

To note that training is appropriate and that further consultation was necessary;

(2) Topographical knowledge

Given the changing role of Private Hire Cars, to note that there may be a need for topographical tests to be given to Private Hire Car Drivers as well as Taxi Drivers;

FLEXIBLE TRANSPORT SERVICES

To promote (i) the involvement of Taxis and Private Hire Cars in the provision of Flexible transport services “by drawing the possibilities to the attention of the taxi and private hire car trade e.g. as Taxibuses, Private Hire Car local bus services and Shared Taxis / Private Hire Cars”; (ii) having robust Complaints procedures; and (iii) involving the Trade in Local Transport strategies.

COMPLAINTS PROCEDURES

To note that Local Authorities were encouraged to introduce clear complaints procedures; and Complaints are referred to the Police for investigation; and Individual Hire Car Licence holders and Hire Car Booking Offices ought to have their own procedures in this respect etc; and to await a report on suitable procedures.

LOCAL TRANSPORT STRATEGIES

To endeavour to involve the Trade in Local Transport strategies.