

**Licensing Committee****20 January 2012****Lang Gosh Late Hour Catering Licence - Licence to be Determined****EHTS-01-12-F****Executive Manager - Environmental Health & Trading Standards****Infrastructure Services Department****1.0 Summary**

- 1.1 The Licensing Committee are asked to make a decision on an application for a Late Hours Catering Licence, to which there have been adverse representations.

**2.0 Decision Required**

- 2.1 The Committee can decide that a licence be approved, approved with additional conditions or refuse the licence. The Licensing Authority must refuse an application where the applicant is, in their opinion, not a fit and proper person to be the holder of a licence. The Licensing Authority should not refuse an application if the concern can be addressed by placing conditions on the licence.
- 2.2 The Licensing Committee should consider and determine the application for the late hours catering licence.

**3.0 Detail**

- 3.1 An application for a late hours catering licence has been received. In considering an application for a licence the Licensing Authority shall make such reasonable enquiries as they think fit and use the result of these enquiries in making their decision. The Environmental Health Service is a statutory consultee and have raised concerns about the condition of the mechanical ventilation system.
- 3.2 The Planning Service have responded to the consultation to advise that they have an objection to the application on the basis that it would breach planning permission if the premises were to operating as a late hours catering premises.
- 3.3 An objection has also been received from the licence holder for the Harbour Fish and Chip Shop, who wished to object to the grant of the

late hours catering licence. She believes that it does not meet the licensing conditions for a late hours catering licence in that it is selling food within 50 metres of where she operates.

- 3.2 A Licensing Authority cannot reach a final decision on an application unless the person who made the objection and the application has had the opportunity to be heard or provide their views on the objection in writing. The applicant and the licence holder for the Harbour Fish and Chip Shop have been invited to appear at this meeting in person or provide their views in writing prior to the meeting.

#### **4.0 Implications**

##### Strategic

- 4.1 Delivery On Corporate Priorities – The Licensing Function helps to make Shetland Safer and Stronger an objective in the Single Outcome Agreement by maintaining Community Safety and reducing crime.
- 4.2 Community /Stakeholder Issues – None
- 4.3 Policy And/Or Delegated Authority – Appendix 2 of the Council's Scheme of Administration and Delegation states where the authorised officer receives an objection or adverse representation to a proposal under the above legislation and conditions cannot address the issue(s) raised; or the proposal is recommended for refusal for reasons other than a clear technical failure to comply with legislative requirements, the matter will be referred to the Licensing Committee for determination.
- 4.4 Risk Management – None
- 4.5 Equalities, Health And Human Rights - None
- 4.6 Environmental – None

##### Resources

- 4.7 Financial – None
- 4.8 Legal – The Licensing Committee's decision may be challenged by appeal to the Sheriff Court.
- 4.9 Human Resources – None
- 4.10 Assets And Property – None

#### **5.0 Conclusion**

- 5.1 An application has been received for a late hours catering licence. Environmental Health have raised concerns about the ventilation system causing nuisance and Development Management have indicated that the current planning permission for the premises would be breached if the premises operated as a late hours catering premises. An objection has also been received suggesting that the

activity would be in breach of a licence condition as it is within 50 metres of another late hours catering licensed premises.

For further information please contact:

Maggie Dunne

Executive Manager – Environmental Health and Trading Standards

01595 744841 [maggie.dunne@shetland.gov.uk](mailto:maggie.dunne@shetland.gov.uk)

12 January 2012

List of Appendices

Application Details and discussion

Background documents:

Mrs Rasul Letter.

END

## **Appendix 1**

### **Application For Late Hours Catering Licence – Lang Gosh**

#### **Name and Address of Applicant**

Zinica Szocs

#### **Application Number**

LC 11/41

#### **Discussion**

This is an application for a Late Hours Catering Licence for Lang Gosh, 84 Commercial Street Lerwick ZE1 0EX.

The hours of operation requested are:

Monday 11pm – Tuesday 1am

Tuesday 11pm – Wednesday 1am

Wednesday 11pm – Thursday 1am

Thursday 11pm – Friday 1am

Friday 11pm – Saturday 3am

Saturday 11pm – Sunday 3am

Sunday 11pm – Monday 1am

The proposed hours are within the policy for operating hours for such premises, as adopted by the Licensing Sub-Committee on 6<sup>th</sup> July 2005.

The application states that the goods and articles for sale are hot and cold food and soft drinks.

An objection has also been received from Mrs Rasul the licence holder for the Harbour Fish and Chip Shop. (Letter attached as a background document). She states that the grant of the licence would be contrary to the Council's Licensing Conditions. There is a standard condition in the Council's Late Hours Catering Licence, which states that:

Except as otherwise directed by the Council, the Trader shall not engage in late hours catering within 50 metres of any establishment or premises in which are sold or offered for sale any goods or articles or services of the same or similar class and description as those to be sold or offered for sale by the Trader. The Council may, in their sole discretion and on application, direct that the terms hereof shall not apply to the Trader in a particular road or locality or area, and such a direction shall not be effective until it is endorsed by the Director of Infrastructure Services on the licence.

The Lang Gosh premises is within 50 Metres of the Harbour Fish and Chip Shop. The goods proposed for sale on the Lang Gosh licence application is Hot and Cold Food and soft drinks. The Harbour Fish and Chip Shop is licensed to sell Fast Food, Hot Beverages, Cold Soft Drinks, and Confectionery Etc.

It maybe considered that this broad range of goods is “in the same or similar class and description” as those proposed to be traded by Lang Gosh. Environmental Health Officers have inspected the Lang Gosh and confirm that the premises will primarily sell Speciality Hungarian Bread products, cold drinks, tea, coffee and crisps. This objection to the licence on the basis that this licence condition cannot be met may fall within the “any other good reason” grounds for refusal of the application.

Over provision of similar facilities has been deemed in case law to be a matter which could constitute other good reason.

It may be an option to grant the Lang Gosh a licence but be specific in the licence that they can only sell Speciality Hungarian Bread products, cold drinks, tea, coffee and crisps.

The Council does also have discretion under this condition to not apply the condition.

Environmental Health commented on the licence application that they needed a Ventilation Engineers report on the ventilation system at the premises. A statutory notice was served on a previous occupier of the premises under the Environmental Protection Act 1990, following complaints about odour and noise from the ventilation system. Officers investigated the complaints and identified that a statutory nuisance existed and served notice preventing its use, in order to prevent reoccurrence of the nuisance. The premises prepared fried chicken products, other fast food and chips.

If new complaints were received about odour or noise from the ventilation system, these would be investigated and if a statutory nuisance were occurring then notice would be served again on the new occupier.

It may be that these speciality bread products will not give rise to the same level of grease that frying chips/chicken would create so it maybe that the ventilation system will not need to be used to the same extent as the previous occupier required it. Suitable and sufficient means of natural or mechanical ventilation is required in premises preparing food. The assessment of whether natural or mechanical ventilation is adequate depends on the type of food being prepared and the turnover.

The concerns about the ventilation system may be grounds to consider the refusal of the licence if , in the opinion of the licensing authority, the premises is not suitable or convenient for the conduct of the activity having regard to the possibility of undue public nuisance. Alternatively, if Members are so minded they could place a condition on the licence that an engineers report which satisfies the requirements of the Environmental Health Service must be provided within 3 months of the licence being issued and any remedial work required in the report must be completed within 3 months of the report date.

A licensing authority may suspend a licence if the carrying on of the activity which is licensed has caused or is likely to cause undue public nuisance or if a condition of the licence has been contravened. Therefore if the Engineers Report is not provided as required by the condition and/or the late hours catering activity is causing undue public nuisance the Licence could be suspended following a hearing.

Development Management have objected to the application stating that “condition 3 of the planning permission for this premises application ref no 2004/134/PCD stipulates that opening hours should be Monday – Sunday 10.00 hours to 23.00 hours. Therefore any increase in hours would breach the condition”.

The terms of the current planning permission may be grounds to consider the refusal of the licence if, in the opinion of the licensing authority, the premises is not suitable or convenient for the conduct of the activity having regard to the location, character or condition of the premises and/or may be considered as a good reason for refusing the application. Alternatively, if Members are so minded they could place a condition on the licence stating that the hours of operation may not exceed those for which the premises has planning permission. This would enable the applicant to

make suitable application under the planning regime for extended operating hours, and, if this is granted, they could operate for the hours they have been permitted for late hours catering.

Members need to determine the outcome of the application having considered the objection; the information gathered from enquiries whilst processing the application and heard the views of the applicant and the objector. Where the authority has concerns about an application, it should not refuse the application where those concerns could be adequately addressed by an appropriate condition attached to the licence.

No comments on the consultation on the application were received from the Northern Constabulary or Fire Brigade.

### **Summary of Options**

- Refuse the application.
- Grant the application with conditions restricting the type of food sold; and/or
- Grant the Licence with conditions relating to the need for an Engineers report on the Ventilation system; and /or
- Grant the application with conditions ensuring operating hours do not exceed the opening hours in the planning permission for the premises; and/or
- Grant the application without the 50 Metre condition; or
- Grant the Application with standard conditions.

**Licensing Committee****20 January 2012****Review of Taxi Tariffs and Taxi Rules – Consultation Feedback and Proposed Changes**

Report Number : ETO-01-12-F

**Report Presented by  
Team Leader – Transport Operations****Environment and Transport Operations  
Infrastructure Services Department****1.0 Summary**

- 1.1 Shetland Islands Council, as Licensing Authority, is required in terms of Section 17 of the Civic Government (Scotland) Act 1982 to review maximum tariffs, which may be charged by taxis and private hire cars fitted with taximeters, at intervals not less than 18 months.
- 1.2 Additionally the rules for taxi operators and drivers are out of date. The change in tariff presents a timely opportunity to review the rules and codes of practice.

**2.0 Decision Required**

- 2.1 It is recommended that the Committee approve the proposed maximum taxi tariffs for the next 18 months and the proposed rules.

**3.0 Detail**

- 3.1 Formal consultation and informal discussions with operators, stakeholders and colleagues have formed the basis of the proposed rules, these have been consulted on and amended. The proposed rules form Appendix 2.
- 3.2 These comprise a set of Procedures, Standard Terms and Conditions for Licences, and a Code of Practice/Dress Code for Drivers at Sumburgh Airport.
- 3.3 It is proposed to implement the new tariffs and rules on Monday 20 February 2012.

## Consultation and Feedback

Feedback was received from Shetland Taxi Owners Association, a number of independent operators and drivers and Shetland Tour Guide Association.

The views expressed were varied, but are summarised below, with how these views affected the final proposed tariff and rules.

Summarised Feedback	Service Comment	Changes Made to Consultation Documents
A range of views were expressed regarding the cleaning charges. A general theme was that to mix the minimum charge of £40.00 and/or £20.00 per hour, plus materials may confuse and/or cause conflict.	I accept these comments; however, I would recommend that Officers and Committee revisit this in the autumn to look again at how best to resolve this, bearing in mind that it is possible to lose a night's trade cleaning a soiled vehicle.	Removed the £20.00 per hour, plus materials.
Tariff changes – methods of calculation. There general view was that the correct thing to do on this occasion was to increase the flag rate and keep the per-quarter-mile rate the same. As the last increase saw the opposite, which meant that fare increased exponentially as distances increased. There were a few comments that the correct balance had not been struck and a small increase in the per quarter mile rate should have been considered.	<p>I feel that the recommended increase in the flag rate will improve the income stream to most operators and will make short hires more viable.</p> <p>The last increase saw a large increase in the per-quarter mile rate – this resulted in very large increases for longer hires, which may have been counterproductive to the aims of the licensing scheme and the viability of operators.</p> <p>It may be appropriate to look at both flag and quarter-mile charges in 18 months.</p>	None made.
<p>Driver training caused a mix of concern and enthusiasm amongst operators and drivers.</p> <p>A number of operators considered that it was essential, while others thought it a waste of time.</p>	<p>Driver training is something which is difficult to argue against, but it would be wrong to require training, either for new entrants, or for those currently driving.</p> <p>More thought needs to be given to what the</p>	<p>Given the work involved, the section on training has been removed in its entirety for the time being.</p> <p>I would recommend that this is revisited with a view to developing a scheme in the near</p>

<p>There was a general feeling that not enough was known about why it was happening, what it would involve, what were the costs, when it would occur etc.</p>	<p>aims are, to course content, to dovetailing initial training into the application and grant process, plus existing drivers need to be considered in terms of grandfather rights.</p>	<p>future.</p>
<p>A number of operators thought that the revised rules on vehicle condition – in particular body panels – was too prescriptive.</p> <p>The point was made several times that the current rules are such that minor scratches have to be re-sprayed at a cost of £100s.</p>	<p>The current rules are clear – if there is a scratch or dent, the vehicle must be repaired within 28 days.</p> <p>While the proposed rules are prescriptive, they do define what is and is not acceptable.</p> <p>It is felt that the proposed rules will allow operators to continue using vehicles which the current rules state should be off the road. In this regard I do not concur with the comments made.</p>	<p>None made.</p>
<p>A number of operators and STOA have commented on the dress code for Sumburgh Airport and the introduction of a dress code for all taxi/PHC drivers.</p> <p>The general feeling is that it is too prescriptive. There is general agreement that the introduction of a dress code is a positive move, but the use of 'smart casual' should be sufficient.</p>	<p>It is felt that there needs to be an element of prescription in the development of a dress code.</p> <p>The proposed rules details what is and is not permitted.</p> <p>There are also exemptions for religious or cultural beliefs, together with an exemption on medical grounds.</p>	<p>None made.</p>
<p>A number of operators noted that, while the proposal to swap engine size for power output was welcome, it did introduce another</p>	<p>The Authority recognises that there needs to be flexibility. Power output is a better measure than engine size.</p>	<p>The proposed rules have been amended to build in further flexibility to the rules.</p> <p>This includes the option</p>

set of limitations.		to introduce limitations on vehicles and to inform STOA, such that there is better communication.
It was felt that the amended measurement restrictions and boot sizes were generally a positive move, but some flexibility needed to be maintained.	As with engine size/power, I concur with the respondents views.	The proposed rules have been amended.
An operator made requests that electric vehicles be considered a special case for the 8-year rule, due to the high purchase cost and limited range – which both affects earning potential and wear and tear.	It is felt that there can be exceptions made to the 8 year rule for electric and hydrogen vehicles. Noting that this does not include hybrid vehicles which have an internal combustion engine.	A rule has been included for electric and hydrogen vehicles (which do not have internal combustion engines) to allow their use for 12 years. All other age rules apply.
Shetland Tour Guide Association made representation that the proposed new tariff of “tour guide” was misleading, as very few of the taxi drivers are qualified guides. They requested that a different form of words be used to avoid any confusion.	<p>This point was not considered during the formulation of the tariff structure; however, it is one that I accept.</p> <p>Additionally, it is not appropriate for the authority to dictate the rate for what is, essentially, a commercial agreement between the operator/driver, the agent (if applicable) and the customer to charge a rate that is less than the taximeter sum.</p> <p>To comply with the requirements of the Act, it is essential that when operating “excursion” trips or services, that the taximeter is used at all times in the appropriate manner and setting. Should there be an agreement at the start of the hire to charge a lesser rate, in monetary terms, or as a percentage of the</p>	<p>Changed the “Tour Guide” rate to “Excursion Rate”. There is also a comment on the tariff card to the effect that operators/drivers may only refer to themselves as “guides” if they are properly trained and qualified to do so.</p> <p>The tariff card has also been amended to state that “Taxi operators/drivers must use the taximeter on all hires, including excursions. Taxi operators/drivers are free to offer a lesser amount than displayed on the meter, expressed in monetary terms or as a percentage of the maximum fare at the commencement of the hire. This may be done on an individual basis, or as part of an agreement between the taxi operators and the contracting agent”.</p>

	<p>taximeter total, this should not be the concern of the Authority.</p> <p>The only concern is that the meter is used and the amount charged does not exceed the amount displayed by the taximeter.</p>	
--	--	--

## 4.0 Implications

### Strategic

- 4.1 Delivery On Corporate Priorities – The recommendations in this report would contribute to the Corporate Improvement Plan priority 1.5, of ensuring Community Safety.
- 4.2 Community /Stakeholder Issues – No data is available as to whether Shetland has a higher proportion of longer distance hires than other Councils. If the proportion is higher, a judgment needs to be taken as to whether the increases proposed will have the effect of disadvantaging sections of the public and decreasing the taxi operator's income.

It is important to note in the table, Appendix 1, that the figures included do not take account of when each Council reviewed their rates, nor does it take account of the rural/urban locality of each Council.

Shetland currently ranks 245th of 377 Licensing authorities in terms of taxi tariffs. (Source: *Private Hire Car and Taxi Monthly*, where 377 is the lowest and 1 is the highest fare). The proposed amendments will raise it up the league table to be above the average, at circa 125<sup>th</sup> to 135<sup>th</sup> of 377.

It is worth noting that *Private Hire Car and Taxi Monthly* benchmark their League table based on Rate 1 at the "2-mile" tariff. This may not be the best benchmark for Shetland.

- 4.3 Policy And/Or Delegated Authority – The Licensing Committee has delegated authority to discharge the functions of the Shetlands Islands Council. The Committee's authority is in accordance with the Licensing Scheme of Delegations attached as Appendix 2 to the Council's Scheme of Administration and Delegations.
- 4.4 Risk Management – The main risk in this area of Taxi Licensing is that tariffs are set so high as to dissuade usage, particularly in terms of knock on effects for drink driving, or social inclusion.
- Alternatively, tariffs are set so low, in relation to fuel costs, as to make operating taxis un-economical.
- 4.5 Equalities, Health And Human Rights – As Risk Management

4.6 Environmental – None

Resources

4.7 Financial – None

4.8 Legal – None

4.9 Human Resources – None

4.10 Assets And Property – None

**5.0 Conclusion**

5.1 The Committee is required to review maximum tariffs which may be charged by taxis and private hire cars fitted with taximeters. The Committee is asked to consider each appendix and determine whether to approve the use of the proposed maximum tariffs and rules.

For further information please contact:

David Polson – Service Manager, Air Bus & Vehicle Fleet

01595 744225 [david.polson@shetland.gov.uk](mailto:david.polson@shetland.gov.uk)

16 January 2012

List of Appendices

Appendix 1 – Proposed Rates

Appendix 2 – Proposed Rules

END



# Shetland Islands Council

## Taxi Tariffs

20<sup>th</sup> February 2012 to 30<sup>th</sup> June 2013

Current	January 2012 Proposed	Notes
---------	-----------------------	-------

**Rate 1:**  
**0600-2159**

For the first three quarters of a mile or part thereof.

£3.00

£3.50

For each additional quarter mile or part thereof.

£0.40

£0.40

**Rate 2:**  
**2200-0559**

For the first three quarters of a mile or part thereof.

£3.50

£4.00

For each additional quarter mile or part thereof.

£0.50

£0.50

### Christmas and New Year

**Rate 3: 0600-2159**  
**25 and 26 December**  
**1 and 2 January**

(50% Surcharge)

For the first three quarters of a mile or part thereof.

£4.50

£5.25

For each additional quarter mile or part thereof.

£0.60

£0.60

**Rate 4: 0001-0559**  
**2200-0559**

**25 and 26 December**  
**1 and 2 January**

(50% Surcharge)

For the first three quarters of a mile or part thereof.

£5.25

£6.00

For each additional quarter mile or part thereof.

£0.75

£0.75

**Waiting Time**

£19.00 per hour or £0.32 per minute

£20.00 per hour or £0.40 per minute

**Cleaning Charge**

If car is soiled by passenger.

£37.00

£40.00

**Passenger Surcharge**

For the carriage of five or more passengers for the fifth and subsequent passengers.

£1.80

£2.00 per passenger per journey

**Excursion Rate**

*(Taxi operators/drivers may not describe themselves as a "tour guide" unless they are properly trained and certificated to do so)*

When offering an excursion trip or service to an individual, group, or acting on behalf of an agent.

**Taxi operators/drivers must use the taximeter on all hires, including excursions. Taxi operators/drivers are free to offer a lesser amount than displayed on the meter, expressed in monetary terms or as a percentage of the maximum fare at the commencement of the hire. This may be done on an individual basis, or as part of an agreement between the taxi operators and the contracting agent.**

Effective from Monday 20<sup>th</sup> February 2012

**Note** (All fares are inclusive of VAT)

**It is an offence to offer a taxi for hire if the taximeter is not used.**

	Rate 1 (06:00 – 21:59)						Rate 2 (22:00 – 05:59)					
Shetland	1 <sup>st</sup> ¾ Mile	1 Mile	2 Mile	5 Mile	10 Mile	20 Mile	1 <sup>st</sup> ¾ Mile	1 Mile	2 Mile	5 Mile	10 Mile	20 Mile
Current	£3.00	£3.40	£5.00	£9.80	£17.80	£33.80	£3.50	£4.00	£6.00	£12.00	£22.00	£42.00
<b>Proposed</b>	<b>£3.50</b>	<b>£3.90</b>	<b>£5.50</b>	<b>£10.30</b>	<b>£18.30</b>	<b>£34.30</b>	<b>£4.00</b>	<b>£4.50</b>	<b>£6.50</b>	<b>£12.50</b>	<b>£22.50</b>	<b>£42.50</b>
Increase	16.7%	14.7%	10.0%	5.0%	2.8%	1.5%	14.3%	12.5%	8.3%	4.2%	2.3%	1.2%

Please note the increases below from Spring 2010

	7%	11%	10%	12%	13%	N/A	17%	18%	20%	22%	24%	N/A
--	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

	Rate 1 (06:00 – 21:59)						Rate 2 (22:00 – 05:59)					
	1 <sup>st</sup> ¾ Mile	1 Mile	2 Mile	5 Mile	10 Mile	20 Mile	1 <sup>st</sup> ¾ Mile	1 Mile	2 Mile	5 Mile	10 Mile	20 Mile
National Lowest	£1.40 St Helens March 2011	£1.80 Bolsover Oct 2002	£2.80 Bolsover Oct 2002	£5.80 Bolsover Oct 2002	£10.30 Hartlepool Aug 2008	N/A	£1.50 St Helens March 2011	£2.25 S Kesteven Nov 2008	£4.20 Bolsover Oct 2002	£8.50 Inverclyde Nov 2010	£15.40 Hamilton March 2007	N/A
National Average	£2.59	£3.51	£5.24	£10.42	£19.22	N/A	£3.44	£4.66	£6.92	£13.73	£25.28	N/A
Shetland Proposed	£3.50	£3.90	£5.50	£10.30	£18.30	£34.30	£4.00	£4.50	£6.50	£12.50	£22.50	£42.50
National Highest	£4.00 Luton Airport April 2009	£5.00 Slough July 2008	£6.80 Colchester Aug 2008	£15.49 Kerrier Jan 2011	£30.99 Kerrier Jan 2011	N/A	£6.10 Luton Airport April 2009	£6.75 Harrogate April 2011	£12.38 Kerrier Jan 2011	£30.98 Kerrier Jan 2011	£62.86 High Peak June 2011	N/A



## Shetland Islands Council

As Licensing Authority has issued the following set of Procedures, Taxi/Private Hire Car Licensing Terms and Conditions and Code of Conduct for Taxi/Private Hire Car Drivers

### **Grant or Renewal of a Taxi Drivers / Private Hire Car Drivers Licence**

Under the Civic Government (Scotland) Act 1982, Licensing Authorities may be required to make judgements as to whether individuals are 'fit and proper persons' to be the holders of taxi/private hire car drivers licences. To ensure that this can be done the following process is undertaken for all first time licence holders (Grants) and licence renewals (Renewals).

### **Applications**

#### **Notes to applicants:**

##### **Under 21s**

While there is no lower age restriction on gaining a taxi/private hire car driver licence, prospective applicants under 21 should be aware that the cost of obtaining insurance is likely to be prohibitively expensive, if it is even available. It is strongly advised that applicants obtain quotes from insurance companies, or have an employer who is willing to accept the additional cost of insurance.

##### **Under 25s**

Drivers between 21 and 25 are also advised to obtain insurance quotes, or have an employer who is willing to accept the additional cost of insurance. Insurance for taxi/private hire car drivers is more readily available, but may still be prohibitively expensive.

It is recommended that prospective applicants make an appointment with the Officer administering the Licensing Scheme prior to making an application. This will ensure that all aspects of the scheme, the responsibilities of the driver/operator, the application process and the requirement to make full disclosure are understood.

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.**

### **The applicant should comply with the following:**

- Minimum time of holding a full driving licence: throughout 12 months immediately preceding the date of the application.
  - UK and all EU driving licences are acceptable. EU driver licence holders should apply to DVLA, Swansea, for a new UK Licence within 12-months of commencing driving a taxi/private hire car.
- Applicants must complete the appropriate forms in full, including making full disclosure of all previous motoring and non-motoring convictions.
  - Foreign Nationals (i.e. Non-UK, including EU residents) are required to produce a 'Certificate of Good Conduct', which is available from their embassy.
- Applicants must provide the non-refundable application fee.
- Applicants must provide four passport photos.
- Pass an initial medical examination. Organised through Shetland Islands Council.

A copy of the application form plus one of the photos is passed to Northern Constabulary, usually on a Friday for background checks to be made.

- It can take up to 28 days for the Police to return their observations.

### **Hearing or Approval Process**

If the information provided on the application, or Police observations requires a decision to be made by the Licensing Committee, then the applicant will be informed by letter. This will include:

- Details of the Police observations,
- Time and date for the Licensing Committee hearing, and
- Information on his/her rights to attend and be represented.

The applicant will have at least 14-calendar days notification before the date of the meeting

The Committee may decide to grant or renew a licence for a period of three years, or for such shorter period as they may decide, or may decide to refuse to grant or renew a licence on one of the relevant grounds of refusal, such as that the applicant is not a fit and proper person to be the holder of the licence.

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee and have their licence suspended.**

**For first time applicants (Grants):**

- All previous convictions can be taken in to account, regardless of the date or nature of the offence.
- A duly delegated officer of the Council has the authority to grant new licences, but should ensure that there is consistency in what convictions/applications are laid before the Licensing Committee.
- As a general guide, the Officer should consider passing an application to the Licensing Committee for decision, where there are motoring offences of 7 penalty points or more within the last 6 years, any drugs related, dishonesty or violent convictions within the past 10 years, or where there are a number of lesser offences which aggregate to such an extent as to cause concern.
- In all cases where the duly delegated officer has doubt, the application should be referred to the Licensing Committee for decision.

**For renewal applications:**

- All convictions since the commencement of the current (licence to be renewed) licence shall be taken into account.
- A duly delegated officer of the Council has the authority to grant new licences, but should ensure that there is consistency in what convictions/applications are laid before the Licensing Committee.
- As a general guide, the Officer should consider passing an application to the Licensing Committee for decision, where the current Licence's duration is three years AND there are motoring offences of 5 penalty points or more for a single offence, or 7 points or more for two offences, any drugs related, dishonesty or violent convictions within the three year period, or where there are a number of lesser offence which aggregate to such an extent as to cause concern.
- Where a Licence has been granted for a period of less than three years by the Licensing Committee (typically one-year), the Officer should consider passing an application to the Licensing Committee for decision, where there are motoring offences of 4 penalty points or more for a single offence, any drugs related, dishonesty or violent convictions within the three year period, or where there are a number of lesser offences which aggregate to such an extent as to cause concern.
- In all cases where the duly delegated officer has doubt, the application should be referred to the Licensing Committee for decision.

If the Committee refuse the application the fee is not refunded.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

Where the application appears suitable and there is no objection or adverse representation in any Police observations, the grant or renewal application will be authorised by an Officer of the Council. The licence will be produced and shall be valid for three years. The taxi badge is laminated (there is a charge for replacement badge); this is then posted out to the applicant.

### **Suspensions**

The Licensing Committee has the power/discretion to suspend a Licence on the grounds of serious concern to public safety, or that a licence holder is no longer a 'fit and proper person' to be the holder of the licence, where it receives credible information regarding the conduct of a driver or operator. A suspension on public safety grounds can last up to six-weeks and the licence holder does not need to be present.

### **Appeals**

Applicants whose applications are refused, following appearance at a Committee hearing, have a right of appeal to the Sheriff.

Licence holders who are suspended or have their Licence revoked may also appeal to the Sheriff.

Aggrieved applicants or licence holders who wish to appeal should seek independent advice from the Citizens Advice Bureau or a solicitor.

### **Complaints about the conduct of Shetland Islands Council acting as Licensing Authority**

Should there be dissatisfaction at the level or speed of service, or that the rules have been misapplied by Officers or the Licensing Committee, an individual may wish to lodge a complaint.

Copies of the Complaints Procedure, Complaints Leaflet and complaints Form are available from all Council offices and the Citizens Advice Bureau.

### **Complaints about the conduct of taxi/private hire car drivers or operators**

All complaints must be made in writing. Council Officers may pass complaints made to the Licensing Committee.

Where an investigation takes place, the findings shall be reported to the Licensing Committee. Where the Committee decides there is a case to answer, the driver/operator shall be required to attend a hearing.

If the investigation reveals information of a serious nature, the Licensing Committee may decide to suspend the licence at a hearing.

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee and have their licence suspended.**

## Medicals

A taxi or private hire car driving who is applying for the grant of a licence must satisfy the Licensing authority that he/she is physically fit to drive.

At age 60 the applicant is required to have a medical for the purpose of satisfying the authority that he or she is physically fit to drive a taxi or private hire car as the case may be. This will cover the applicant until the age of 65 and then it is required that a medical be passed each year and the licence will only be issued for that current year.

- *The Council, as Licensing Authority may issue reminders, however all licences and medical certificates are the responsibility of the Licence Holder. The Council accepts no responsibility for any Licence or Certificate that has expired.*
- *It is illegal to operate a taxi or private hire car without the correct and valid licences.*

## Vehicles

### Procedure for Taxi or Private Hire Car Licensing

The applicant should fill in the appropriate form for either a Taxi car (Hackney Cab) or Private Hire Car

The car should be within specified guidelines found below.

- The car should possess a current MOT; In the case of Taxis and Private Hire Cars, this applies to any car over one year old.
- The car requires to pass a Taxi/Private Hire Car inspection at the Council Garage – This is a different inspection from a MOT. The owner should make an appointment with the Garage, Lerwick 744133. The inspection incurs a standard hourly rate charge.
- A copy of the MOT certificate and insurance details must be provided with the application. The garage inspection report should be kept.
- Copy of Registration Document V5.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

## **“TAXI” sign**

- The car requires a taxi sign. Signs are provided by the Council and are fitted for a set fee.
- The word “TAXI” has to be on the front of the sign.
- Where space allows, the trading name of the taxi operator may be substituted for the word “TAXI”.
- In any event there shall be no more than two words on the front of the sign.
- Only the phone number of the taxi operator is allowed on the back of the sign.
- Taxi signs become the property of the car owner and are not refundable. Taxi signs can be sold privately to any other operator.
- **Grandfather Rights:** Should any operator have taxi signs that do not comply with the above description at 20 February 2012 the operator may keep and continue to use their taxi signs until their vehicle is replaced. Any new taxi sign must conform to the above description.

## **Taxi Meter**

- If a meter is also required for using the car as a taxi (not a private hire car) then this can be fitted at the Council Garage by arrangement.
- To ensure quality and compatibility, a meter may be bought from the Council, or second hand from an existing or ex-Shetland Islands Council taxi vehicle licence holder. Advice may be sought from the Council Garage on 01595 744133.
  - Due to problems with compatibility and quality, taxi operators may not purchase meters for use in Shetland from other sources.
- Meters bought from the Council will be charged at cost, which shall include a handling/administration charge.
- Meters shall be fitted by the Council at a standard hourly rate charge. Advice should be sought from the Council Garage by prospective operators as to which vehicles can have meters fitted with minimum effort.
- Taximeters become the property of the car owner and are not refundable. Taximeters can be sold privately to any other operator.
- Faults and failures of taximeters should be reported to the Council Garage immediately on 01595 744133. This number diverts to stand-by number if outside office hours.
- NOTE: Radio/CD Player Key Codes must be made available to the Council garage. This is due to radios/CD Players having to be disconnected in the process of fitting a new meter.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

### **Taxi/Private Hire Car Plates**

- Taxi/Private Hire Car Plates will be provided by the Council and must be returned when a vehicle is changed or the operator ceases trading.
- Plates shall remain in Council ownership
- Where a vehicle is SORN'd (Statutory Off Road Notice) or is sold and is no longer being used as a taxi/private hire car, the operator must inform the Council and return the plates.
  - The exception to the above is where the car is SORN'd or is sold and an operator is awaiting the delivery of a substitute vehicle. In such cases the operator must inform the Council. However, the plates may be retained for the substitute vehicle, for a period not exceeding 6 months from the date of notifying the Council.
  - If the period of times exceeds 6 months, the plate and vehicle licence will be deemed to have expired.
- Any existing operator (at 20 February 2012) shall have their plate deposit returned to them at the current rate by 31 March 2012.

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.**

## Vehicle Licences and Inspections

- The operator will receive a licence for the vehicle when all checks have been passed and proof of ownership and appropriate insurance has been seen and copied.
- The licence remains in force for 1 year only and is then subject to renewal.
- As Licensing Authority, the Council may send out reminders to operators. However, the responsibility rests with operators to ensure that their vehicles have the appropriate licences, inspections and insurances. It is an offence to operate a taxi with expired or invalid certification.
- All Taxis and Private Hire Cars must be inspected at the Council Garage (or any garage permitted by the Licensing Authority) at periods not exceeding 12-months. The inspection incurs a standard hourly rate charge.
- All Taxis must have a walk-round inspection, carried out by Council Garage (or any garage permitted by the Licensing Authority) at periods not exceeding 6-months. The 6-monthly inspection does not incur any charge.
- Neither the 12-month or 6-month inspections are MOTs, but they are legal requirements.
- The engineer conducting the inspection may make observations, or place a 28-day notice on the vehicle, in which repairs/modifications must be made.
- Where there is disagreement between the engineer conducting the inspection and the operator, the operator may request that a second engineer, workshop supervisor or Transport Manager provides a second opinion. The purpose of this is to ensure the consistency of inspections.
- A 28-day notice may be extended by the inspecting engineer if he/she can satisfy themselves that the vehicle is intrinsically roadworthy, but repairs will take longer than 28-days. E.g. where body shops are fully booked, or panels have a long lead time.

## MOTs

- MOTs are required every 12-months for taxis and private hire cars, the first MOT is due 12-months after first registration.
- MOTs can be carried out by any garage that is authorised by the Vehicle and Operator Services Agency (VOSA) to do so.
- MOTs can be booked up to 28 days in advance.
- A valid MOT must be presented to the Council in order for the vehicles taxi/private hire car licence to be valid.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

## Spot Check Inspections

- The Council retains the right to undertake random spot checks of vehicles. However, this shall be done with sensitivity to the commercial requirements of operating a taxi.
- The Council may undertake spot checks on individual vehicles where there is cause to do so.

## Substitute Vehicles

- Where an operator wished to substitute a vehicle on an existing licence, the applicant should fill in the substitute vehicle form.
- There is a fee for doing this.
- The car must pass the Council Garage inspection.
- The car must be less than 4 years old, or must be registered later than the vehicle which is being substituted, whichever is the lesser age of substitute vehicle
- The same rules apply as renewal/grant, i.e. a copy of the current MOT, car registration document; appropriate insurance details and garage inspection report should be kept.

## Damage

- In the event of a taxi or private hire car being damaged, howsoever and wheresoever occurring, the operator must report the damage to the Council Garage.
- The vehicle shall be inspected.
- The operator will either have the licence suspended until repairs are made, or will be issued a 28-day notice form.
- A 28-day notice will require that the damage to the car is fixed within 28 days and must be inspected by Council Garage prior to removal of the 28-day notice, failing which the licence will be deemed to be suspended. It is an offence to operate a taxi/private hire car with a suspended licence.
- If the accident is severe then the taxi licence can be suspended until the repair work has been carried out. The vehicle will then be subject to a full inspection at the Council Garage and the inspection fee would have to be paid.
- Where there is disagreement between the engineer conducting the inspection and the operator, the operator may request that a second engineer, workshop supervisor or Transport Manager provides a second opinion. The purpose of this is to ensure the consistency of inspections.
- A 28-day notice may be extended by the inspecting engineer if he/she can satisfy themselves that the vehicle is intrinsically roadworthy, but repairs will take longer than 28-days. E.g. where body shops are fully booked, or panels have a long lead time.

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.**

### **Convictions – Of all types, plus Driving Offences**

- If during the currency of the licence, the holder is convicted of any offence, they shall, within 28 days, provide full details of such convictions to the Licensing Authority.
- Dependent on the nature of the offence, the licence holder may be subject to a report to the Licensing Committee.

### **Change of Address**

The driver of a taxi who changes his/her address shall within 14 days thereafter give notice thereof to the Licensing Authority and shall produce his/her licence to the Licensing Authority who shall endorse thereon the particulars of such change of address.

### **Driver and Vehicle Renewals**

Renewal of both driver and vehicle licences is the sole responsibility of the licence holder. The Council may, but shall be under no obligation to, send out reminders 4-6 weeks before the expiry of the licence. However, the Council will not accept responsibility for undeliverable or lost mail.

Renewals should be lodged at Shetland Islands Council Transport Services, 20 Commercial Road, Lerwick ZE1 0LX at least 21 days before the date on which the licence is to commence.

**Licences that are not renewed by the expiry date will be deleted from the Licensing database and the lapsed licence details shall be reported to the police.**

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

## Guidelines Relating to Standard of Vehicles Licensed as Taxis and Private Hire Cars

***Advice should always be sought from the Council Garage with regard to the appropriateness of a vehicle for use as a taxi/private hire car, with regard to the following requirements, or suitability to install a meter.***

***The Council accepts no responsibility for the purchase of any vehicle bought with, or without, advice of the Council Garage that fails to meet the requirements set out below.***

***Operators must apply for a vehicle licence grant or substitution with a minimum of 21 days notice prior to the date that they wish to commence using the vehicle.***

***No licences or plates will be produced after 16:00.***

**Age of Vehicles** Vehicles must be no more than 2 years old if application is for a GRANT of a taxi/private hire car licence.

Vehicles must be no more than 8 years old if applicant is RENEWING a taxi/private hire car licence.

A substitute vehicle must be of equivalent age or newer than the existing vehicle, unless the existing vehicle is over 4 years old, in which case the substitute vehicle must be no more than 4 years old.

A private hire car can only be switched to a taxi, or vice versa, where the vehicle is no more than 2 years old.

**Electric & Hydrogen Vehicles** Vehicles must be no more than 12 years old if applicant is RENEWING a taxi/private hire car licence. This recognises the limited range and opportunities to derive an income from, and pay back, the vehicle. It also recognises the relative lack of wear and tear, plus encourages electric vehicle use.

All other rules pertaining to the age of vehicles remain.

Electric and Hydrogen Vehicles excludes any hybrid vehicle which has any form of internal combustion engine.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

**Engine Size**           Taxis – Minimum allowed 100bhp/75kW. Taxi operators who wish to purchase a taxi of lesser power MUST consult with the Authority prior to purchase. The Authority recognises the some vehicles of lesser power may be suitable, but it reserves the right to refuse applications on the grounds of power.

Private Hire Cars – Minimum allowed 100bhp/75kW. Private Hire Car operators who wish to purchase a private hire car of lesser power MUST consult with the Authority prior to purchase. The Authority recognises the some vehicles of lesser power may be suitable, but it reserves the right to refuse applications on the grounds of power.

**4 Passenger  
Seat vehicle**           Minimum Four door.

Minimum Four passengers to be seated comfortably.

Minimum measurement across rear seat – 138cm.

Minimum headroom from front centre of rear seat to roof – 80cm.

Minimum headroom from rear centre of rear seat to roof – 85cm.

**Luggage  
Space/Capacity**       Minimum 450 litres for a saloon car, or for a people carrier with the rear seats moved forward.

**5 to 8  
passenger seat  
vehicles**           As above, plus rear seats (seats which would traditionally be said to be in the luggage compartment) must have 3-point seat belts and foot wells.

Other vehicles may be permitted, with or without restrictions, on a case-by-case basis.

Vehicles that do not meet the minimum dimensions may have restrictions placed upon them, with regard to maximum permissible passengers.

In all cases where vehicles which do not meet the power or measurement requirements are approved for use, with or without restrictions, Shetland Taxi Owners Association shall be informed.

Electrical, hybrid or other non-standard low emission vehicles, plus pick-ups with canopies, 4x4s, SUVs, vehicles for contracts or tourism etc will be considered on a case-by-case basis.

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.**

Upholstery and carpets	Clean, no tears, no stains, no odours.
Seat belts	Must be fitted for each passenger as shown on licence plate. Mountings/condition/operation to be checked.
Interior Signage/ Licensing	Interior licence plate to be displayed.  Location of First Aid Box to be clearly indicated.  List of fare scales to be displayed.
Fire extinguisher	Minimum requirement. <ul style="list-style-type: none"> <li>• 1 kilo dry powder or foam.</li> <li>• BS 5423</li> <li>• To be securely fitted.</li> <li>• To be in date.</li> <li>• To be complete.</li> <li>• To have a pressure gauge.</li> </ul>

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

First Aid Box	<p>Minimum requirement.</p> <ul style="list-style-type: none"> <li>• Must comply with Road Traffic Act (1986).</li> <li>• All contents must be in date.</li> <li>• 1 x guidance card.</li> <li>• 10 x antiseptic wipes.</li> <li>• 24 x washproof plasters.</li> <li>• 5 x dressings.</li> <li>• 1 x scissors.</li> <li>• 2 x triangular bandages.</li> <li>• 1 x conforming bandages.</li> <li>• 2 x safety pins.</li> <li>• 2 x No16 Eye Pad Dressing.</li> <li>• 2 x Non Woven Triangular Bandage 96 x 96.</li> <li>• Safety Pins Assorted x 12.</li> <li>• 3 x Medium Dressing 120 x 120 mm.</li> <li>• 3 x Large Dressing 180 x 180 mm.</li> <li>• Green First Aid Box.</li> <li>• Note: Any first aid box, which has been sold to comply with Road Traffic Act (1986) regulations and is clearly marked as a compliant first aid kit is an acceptable alternative to the above. However, the contents of the box must be noted and all items must be present and in date.</li> </ul>
Engine/chassis	Must be cleaned to acceptable standard before inspection.
Radio/CD	Radio/CD Player Key Codes must be made available to the Council garage. This is due to radios/CD Players having to be disconnected in the process of fitting a new meter.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

Body work	<p>Bodywork must be clean and polished at all times when on duty.</p> <p>No structural rust and no damage to doors, panels, bumpers or trims.</p> <p>Scratches of less than 100mm in length, or an area of 75mm by 25mm, to paint work that does not break the undercoat may be passed during the 6-monthly inspection, but must be competently touched-up/resprayed by the 12-monthly inspection. In all cases, the decision of the Council Garage Engineer is final.</p> <p>Bumpers and bonnets may have minor stone chips and scratches, but these must be competently touched up. Given the areas involved, there may be a cumulative effect, which may require the bumper or bonnet to be resprayed. In all cases, the decision of the Council Garage Engineer is final.</p> <p>Taxi sign fitted.</p> <p>SIC licence plate to be displayed on rear of vehicle.</p>
Tyres	<p>Minimum 1.6mm; observations made at 2.0mm.</p> <p>To meet all other legal requirements (Given the high mileages of many taxis, the 2.0mm observation provides the taxi operator with time to obtain tyres while legally continuing the activity).</p>
Winter Tyres	<p>All Taxis and Private Hire Cars must fit winter/all-weather tyres between November and March. The Licensing Authority recognises that availability of winter/all-weather tyres is an issue. Therefore, providing operators can provide evidence that they have tyres ordered and submit their tyres for inspection once delivered and fitted, the issuance of 28-day notices shall not take place. Winter Tyre rules will take effect on 01 November 2012.</p>

**Grandfather Rights:** Should any operator have a Taxi/Private Hire Car that does not comply with the engine or luggage compartment capacities, or with the rear headroom/legroom or width requirements at 20 February 2012, the operator may keep and continue to use their taxi/private hire car until their vehicle is replaced. Any new taxi/private hire car must conform to the above minimum capacities and minimum dimensions.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

## **CONDITIONS RELATING TO TAXIS AND PRIVATE HIRE CARS LICENSED UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

1. The driver of a taxi/private hire car shall at all times, while he/she is in charge of a taxi/private hire car being used as such, have with him/her the taxi/private hire car driver's licence or such other means of identification issued by the licensing authority and he/she shall exhibit such licence or identification, on demand, to any passenger, constable or authorised officer of the licensing authority. The identification issued by the licensing authority shall include the driver's name, a recent photograph showing his/her true likeness and the date on which the licence expires.
2. The driver of a taxi/private hire car shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire his/her taxi, which he/she has accepted, unless prevented by sufficient cause.
3. The driver of the taxi shall operate on shared hire only with the consent of the first hirer or passenger, even if there is displayed on the taxi sign or other thing approved by the licensing authority indicating that the taxi is available for shared hire; but he/she shall not be required to operate on shared hire if no such sign or other thing is displayed on the taxi at the time of the initial hiring.
4. The driver of a taxi/private hire car, which is on exclusive hire, may not, in any circumstances, pick up or convey another passenger without the consent of the original hirer(s) or passenger(s).
5. The driver of a taxi/private hire car shall not at any time convey in the taxi/private hire car more than the number of passengers the taxi/private hire car is licensed to carry. For the purpose of this condition no account shall be taken of any children under two years, provided that each child under two years is accompanied by an adult.
6. The driver of a taxi /private hire car, which has been hired on exclusive hire, shall drive to the destination by the shortest practical route unless otherwise instructed by the hirer. The driver of a taxi/private hire car, which has been hired on share hire, shall take the shortest practical route that will service the destinations of all the passengers whom he/she is carrying at any one time.
7. The driver of a taxi not being used as a taxi-bus/private hire car shall, if the cost of the journey is not regulated by a licensing authority fare structure, inform the hirer(s) or passenger(s) before the journey commences (a) that the fare is not so regulated; and (b) the cost, or the method of calculating the cost, of the proposed journey.

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.**

8. For taxi hires made by telephone or other means of electronic communication. A taxi operator may charge an extra tariff, at no more than the maximum metered rate, for a hire that commences at a significant distance from their base, or current location AND is going to a location further away.
  - a. For this extra tariff to be levied, there must be an explicit agreement between the operator and the person requesting the taxi regarding the extra tariff prior to the hire being accepted.
  - b. Attempting to levy an additional hire once the hire has commenced is absolutely forbidden.
  - c. For operators in Lerwick, no extra tariff may be levied for hires that commence anywhere on the Lerwick side of the Brig of Fitch to the north, west end of B9073 (Black Gaet) to the west and Brindister to the South.
9. The driver of a taxi/private hire car shall ensure that any taximeter fitted in the taxi/private hire car shall be operated at all times within the licensed area.
10. The driver of a taxi/private hire car shall from time to time, and at least once in each day, in which he/she uses the taxi/private hire car, inspect the seals on the taximeter to ensure that they are intact. On discovering that the seals have become broken or damaged, or that the taximeter has ceased to function correctly, the driver shall immediately withdraw the vehicle from service.
11. Subject to conditions 12 and 13 the driver of a taxi shall not refuse to drive a passenger to any place within the licensed area.
12. The driver of a taxi on shared hire may decline to accept a further passenger on the grounds that his/her intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or passengers, or that further passenger's luggage cannot be accommodated safely within the luggage compartment of the taxi.

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.**

13. The driver of a taxi/private hire car need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried, or whose condition or clothing is offensive or likely to cause damage to the interior of the taxi/private hire car, or who refuses to cease smoking in the taxi/private hire car when requested to do so by the driver, or is accompanied by any animal (other than a guide dog) which is likely to damage or soil the interior of the taxi/private hire car, or for any other reasonable excuse.

The driver of the taxi/private hire car shall carry guide, hearing and other assistance dogs accompanying disabled people, and do so at no extra charge.

The Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulation 2003, places a duty on taxi drivers, through imposition of licensing conditions, to carry a disabled passenger's guide dog and to allow the dog to remain with the disabled person and not to make any additional charge for carrying the dog.

The regulations allow for a taxi driver to be exempted on medical grounds, e.g. if the driver suffers from severe asthma, which is aggravated by contact with dogs.

Accordingly, unless the medical exemption ground applies, taxi drivers are bound to carry the guide dog with the passenger.

14. The driver of a taxi/private hire car, while he/she is in charge of the taxi/private hire car, shall not canvass or importune in any public place for employment, except where the taxi/private hire car is being operated on shared hire, to such extent as is reasonably required to ascertain whether there are any prospective further passengers (in addition to an existing passenger or existing passengers) who wish to participate in the shared hire of the taxi/private hire car.
15. The driver of a taxi/private hire car shall not refuse to carry luggage in his/her taxi/private hire car provided that the said luggage can be accommodated safely within the luggage compartment of the taxi/private hire car.
16. The driver of a taxi/private hire car shall give such assistance as he/she is able to give with loading and unloading luggage when required to do so but he/she shall not be required to leave the immediate proximity of the taxi/private hire car in doing so.
17. The driver of a taxi/private hire car, at the end of his/her shift, shall search the taxi/private hire car of which he/she is in charge for any property that may have been left therein. Any property found by the driver shall, within 24 hours, be returned to the owner of the property if known or such property shall be handed in by the driver to any police station.
18. The driver of a taxi/private hire car, while plying for hire or carrying a passenger, shall be clean and tidy in his/her person and clothing, shall conduct himself/herself in a proper and civil manner and, while carrying a passenger, shall not smoke.

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.**

19. The driver of a taxi/private hire car shall not knowingly allow the taxi/private hire car in his/her charge to be used for illegal or immoral purposes, permit to be carried in the taxi/private hire car in his/her charge any article of a dirty, filthy or noxious nature, or of an explosive or dangerous nature, or permit to be carried in the taxi/private hire car in his/her charge any person who has vermin on his/her person.
20. The driver of a taxi/private hire car shall ensure that the taxi/private hire car, including all bodywork, upholstery and fittings, is in a safe and serviceable condition, and subject to prevailing road conditions, is in a clean condition.
21. Unless the licensing authority makes specific arrangements for particular stances, when a taxi is driven off a stance, the driver of the taxi immediately behind shall draw up his/her vehicle to take the place vacated, and the taxi drivers on the stance behind shall draw up their vehicles in a like manner.
22. The driver of a taxi which is being operated on shared hire may wait at a stance only for such time as is reasonably required to ascertain whether there are any prospective further passengers (in addition to an existing passenger or existing passengers) in the immediate vicinity of the stance at the time who wish to participate in the shared hire of the taxi; but if no such further passengers are found there and then, the driver shall immediately drive off his/her taxi from the stance.
23. The driver of a taxi, when the taxi is hired or standing for hire, shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period he/she may be absent to announce the arrival of his/her taxi to the hirer or when assisting the hirer with luggage to or from the taxi for any other necessary purpose.
24. The driver of a taxi/private hire car shall not alter, deface or wilfully damage the identification issued to him/her by the licensing authority or exhibit identification on which the lettering is not distinctive or legible, nor lend or permit any person to use his/her identification nor exhibit any identification other than that issued by the licensing authority.
25. In the event of a taxi/private hire car breaking down or in any way becoming unfit to convey the passengers to the destination for which the vehicle is engaged, the taxi driver shall not be entitled to charge any fare for the distance already travelled, provided that, should the passenger elect to wait until repairs are complete, or to use a substitute vehicle provided within a reasonable time, full fare for the complete journey shall be due, less the amount of fare chargeable for waiting as fixed by the licensing authority.
26. Any licensed driver or applicant for a drivers licence may be required at any time at the discretion of the licensing authority and on being given reasonable notice, to undertake a medical examination by a doctor nominated by the licensing authority, and the result of this examination will be taken into consideration by the licensing authority in determining a persons fitness to be a driver.

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee and have their licence suspended.**

In these conditions:

“Exclusive”, as applied to the hire of a taxi, means that a single fare is payable by any one passenger for the whole hire of the taxi, whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly.

“Shared”, as applied to the hire of a taxi, means that each passenger is carried at a separate fare, payable to the driver; and “shared hire” shall be construed accordingly.

“Taxi-bus” means a taxi which is being used, under a special licence granted under section 12 of the Transport Act 1985, to provide a local service which is or requires to be registered under Part 1 of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of passengers.

The use of the words he/his/him does not only apply to the masculine gender and applies equally to female drivers.

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.**

## **DRESS CODE – all Licensed Taxi/Private Hire Car Drivers**

- Smart trousers or skirts/trousers and shirt/blouse for female drivers are to be worn. Short-sleeved shirts are acceptable and may be worn throughout the year if preferred.
- Smart trousers and shirt (tie is optional, but preferred) for male drivers are to be worn at all times. Short-sleeved shirts are acceptable and may be worn throughout the year if preferred.
- Dress shoes are to be worn.
- Any driver who cannot comply with the above dress code, due to religious or cultural beliefs, must, so far as is possible match their dress as closely to the code as possible. In any event they must present a clean, tidy and neat appearance.
- **Not Permitted:**
  - Jeans any colour, corduroy trousers or track suit bottoms.
  - White or coloured training shoes.
  - T-Shirts, any sport/football tops, track suit tops.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

## SUMBURGH AIRPORT TAXI DRIVERS CODE OF PRACTICE (20 February 2012)

Shetland Islands Council, HIAL Sumburgh Airport and Shetland Taxi Owners Association have drawn up the following Code of Practice jointly. It does not in any way detract from the requirement under the Civic Government (Scotland) 1982 Act to comply with the conditions detailed on each Taxi Driver's Licence.

1. With regards to the operation of taxis at Sumburgh Airport, all airport byelaws, and all directions given by authorised airport personnel must be complied with.
2. Personal identification badges (issued with licence) to be worn at all times.
3. Taximeters must be used during all hires. The taximeter must be switched on when passenger enters car, on in the case of a pre-booked hire, when arrival or taxi has been announced to the intended passenger.
4. Any fault/breakdown of taximeter should be reported to Fleet Management Unit. Telephone Lerwick 744133 immediately to arrange repair/replacement. This number diverts to a stand-by number outside office hours.
5. All drivers should be aware of the agreed Code of Practice on all designated taxi stances. The first taxi in line is the only taxi that can be hired at any time on these ranks.
6. Hires cannot be refused on the grounds the passenger only wishes to be taken a short distance. Long distance hires cannot be cherry-picked. Any attempt to refuse a hire on these grounds shall be reported to the Licensing Committee.
7. Taxi drivers must drop off passengers prior to entering the rank.
8. Drivers should be clean and smartly dressed when plying for hire or at a stance and, when carrying passengers, shall not smoke. Drivers should ensure taxis are kept clean both inside and out.
9. Taxi drivers, within the limitations of their own physical ability, should make every effort to assist elderly and/or disabled passengers entering or leaving the taxi.
10. Taxi Drivers may not enter Sumburgh Airport Taxi Rank except during the published opening hours of the airport, or any extended opening period as required from time to time by Airport management.
  - a. Opening hours of the airport are currently (30/09/2011):
    - i. **Summer:** Mon-Fri 0615-1915; Sat 0745-1615; Sun 0930-1915. UTC  
(Mon-Fri 0715-2015; Sat 0845-1715; Sun 1030-2015. BST)
    - ii. **Winter:** Mon-Fri 0715-2015; Sat 0845-1715; Sun 1030-2015. UTC

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee and have their licence suspended.

11. Taxis must use the drop off point when delivering a passenger to the airport. Taxis may only be hired from the stance designated as the “No 1 Stance” which is opposite the main Terminal entrance.
12. If the designated stances are fully occupied, other taxis must wait in the short-term car park until there is a vacant space.
13. Taxi drivers must be in their vehicles prior to the arrival of any scheduled aircraft, such that they are available for immediate hire. Once it is clear that any prospective passenger is no longer in the terminal, they may leave their vehicle.
14. Taxis arriving at Sumburgh Airport to pick up a pre-booked hire should park the taxi in the public car park area across the road from the terminal entrance. Drivers must wait for pre booked hires at the designated Meeting Point and have an information board showing the name of the taxi operator and the name of the booked passenger together with flight number.
15. The pick up/drop off point is exactly that – no taxis or private hire cars must be parked at this location.
16. There is a legal requirement for taxis to carry guide dogs and hearing dogs. Taxi operators and drivers need to bear this in mind. If taxi operators do not wish for a dog to be in contact with the seat, they should carry a blanket, tarpaulin or similar in the boot for such occasions.

#### **DRESS CODE – Sumburgh Airport**

- Smart trousers or skirts/trousers and shirt/blouse for female drivers are to be worn. Short-sleeved shirts are acceptable and may be worn throughout the year if preferred.
- Smart trousers and shirt (tie is optional, but preferred) for male drivers are to be worn at all times. Short-sleeved shirts are acceptable and may be worn throughout the year if preferred.
- Dress shoes are to be worn.
- Any driver who cannot comply with the above dress code, due to religious beliefs, cultural beliefs, or due to his/her medical condition, must, so far as is possible match their dress as closely to the code as possible. In any event they must present a clean, tidy and neat appearance.
- **Not Permitted:**
  - Jeans any colour, corduroy trousers or track suit bottoms.
  - White or coloured training shoes.
  - T-Shirts, any sport/football tops, track suit tops.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

Any driver not complying with the above dress code shall be requested to leave the Airport and may be reported to the Licensing Committee

---

**Declaration:**

**I have read the Taxi/PHC drivers Code of Conduct, and I understand and will comply with the rules as set out by Shetland Islands Council.**

**Name.....(please print clearly)**

**Taxi/PHC Driver Number:.....(Renewals only)**

**Signed:.....**

**Date:.....**

**Please return to: Taxi Licensing Section**

**Environment and Transport Operations**

**Infrastructure Services Department**

**20 Commercial Road**

**Lerwick**

**ZE1 0LX**

**Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.**



## Shetland Islands Area Licensing Board & Licensing Committee

20 January 2012

### SIALB/Licensing Committee - Proposed meeting dates for 2012

GL-05-12-F

Clerk to the Shetland Islands Area Licensing  
Board/ Executive Manager – Governance and  
Law

Governance and Law

#### 1.0 Summary

- 1.1 The purpose of this report is to present for consideration, the meetings dates for 2012.

#### 2.0 Decision Required

- 2.1 I recommend that the Board and Committee consider and approve the meeting dates as described in Paragraph 3.1 of the report.

#### 3.0 Detail

- 3.1 Meetings proposed for Shetland Islands Area Licensing Board (SIALB) will be held at 10am. Unless otherwise stated, the Licensing Committee will be held at 10.30am or immediately following the SIALB, if the SIALB meeting concludes later than 10.30am. All meetings will be held in the Council Chamber, Town Hall, Lerwick.

2 March 2012 (Friday)  
8 June 2012 (Friday)  
23 August 2012 (Thursday)  
5 October 2012 (Friday)  
16 November 2012 (Friday)  
10 December 2012 (Monday)

#### 4.0 Implications

##### Strategic

- 4.1 Delivery On Corporate Priorities – Holding regular meetings of the Licensing Committee contributes to the Corporate Improvement Plan priority 1.5, of ensuring Community Safety.

- 4.2 Community /Stakeholder Issues – None.
- 4.3 Policy And/Or Delegated Authority – The Licensing Committee has delegated authority to discharge the functions of the Shetlands Islands Council. The Committee’s authority is in accordance with the Licensing Scheme of Delegations attached as Appendix 2 to the Council’s Scheme of Administration and Delegations.
- 4.4 Risk Management – It is important to ensure that the Board/Committee meets regularly.
- 4.5 Equalities, Health And Human Rights – None.
- 4.6 Environmental – None.

#### Resources

- 4.7 Financial – None.
- 4.8 Legal – None.
- 4.9 Human Resources – None.
- 4.10 Assets And Property – None.

### **5.0 Conclusions**

- 5.1 The report is presented for the Board and Committee to consider the proposed meeting dates for SIALB and Licensing Committee during 2012.

For further information please contact:  
*Leisel Gair, Committee Officer*  
01595 744599 or [leisel.gair@shetland.gov.uk](mailto:leisel.gair@shetland.gov.uk)  
10 January 2012

#### List of Appendices

None.

#### Background documents:

None.

END