

MINUTE

B - PUBLIC

Licensing Committee
Council Chamber, Town Hall, Lerwick
Tuesday 10 March 2015 at 10.30am

Present:

M Bell	A Cooper
G Robinson	G Smith
C Smith	A Westlake

Apologies:

P Campbell	A Duncan
------------	----------

In Attendance (Officers):

P Sutherland, Solicitor
M Craigie, Executive Manager – Transport Planning
L Gair, Committee Officer

Chair

Mr G Smith, Chair of the Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

01/15 **Minutes**

The minutes of the Licensing Committee held on 10 December 2014, having been circulated, were confirmed on the motion of Mr C Smith seconded by Mr Bell.

02/15 **Revisions of Rules and Guidelines for Taxi and Private Hire Car Vehicle Licences and Taxi and Private Hire Car Driver Licences**

The Committee considered a report by the Executive Manager – Transport Planning (TP-03-15-F), which presented for approval a set of revisions to the current Rules and Guidelines for Taxi and Private Hire Car Vehicle Licences and Taxi and Private Hire Car Driver Licences.

The Executive Manager – Transport Planning introduced the report and directed Members through the changes highlighted in the report. The Chair commented on the substantial amount of work that had gone into reviewing the guidelines. Members were advised that in terms of driver and vehicle standards, the guidelines would provide the standards expected of all licence holders.

During lengthy discussions Members debated a number of points within the guidelines:

- **Driver Medicals** - Clarification was sought regarding the criteria used for identifying the need for a medical. The Executive Manager – Transport Planning explained when a medical would be required and advised that the wording would be changed to reflect that the Council has power under the licensing legislation to request that a medical be undertaken by an applicant.

- Penalty Points – Concern was expressed on the issue of penalty points. It was suggested that the number of penalty points at which an Officer has delegated authority to grant a licence be reduced to no more than 3, leaving Officers discretion to approve a driver with one conviction.
- Spot Checks/Randomly Generated Inspections – Assurance was sought on the potential impact these inspections may have on existing staff workload. There was some confusion between Members as to what was involved in carrying out spot checks versus randomly generated inspections. The Executive Manager – Transport Planning explained that randomly generated inspections would be introduced using the Taxi Licensing Database. Every 3 months six vehicles would be selected at random and the operators instructed to make an appointment through the Council's garage to have a vehicle inspection carried out. This would replace the six month inspection for all vehicles and is aimed at ensuring vehicle standards are routinely monitored. Spot checks take place, unannounced at the taxi rank or by stopping vehicles on the road with the support of the Police. He explained that administratively the process of randomly generating vehicles to be checked is straight forward but does mean additional workload for the garage. He added however this was less cumbersome than spot checks that require staff, Police and garage operatives to attend the taxi ranks or stop vehicles on the road to carry out the spot checks as well as follow up inspections in the garage to check that any faults or issues have been attended to. Concern was expressed by Members that the randomly generated inspections would give taxi operators time to bring their vehicles up to standard in time for the inspection and that the amount of notice should be reviewed. The Executive Manager – Transport Planning said that this was in fact beneficial as it was in the interest of the operator to ensure that their vehicles pass the inspection and would mean that the fleet had been maintained. The Executive Manager – Transport Planning confirmed that no spot checks had been carried out in the last year due to there being no staff resources available to arrange them. A Member stressed the need for the policy to clearly state how many spot checks will be done as a minimum each year. A report was requested on the resources required for carrying out spot checks and how many should be done each year. The report should also consider driver standards and whether this should extend to customer services/care training and if this should be included in the guidelines or controlled by the industry.
- Sale/Transfer of Licensed Vehicles; and
- Age of Vehicles – Members discussed these issues together and were advised that previously there had been no guidelines on the sale/transfer of vehicles when selling a taxi business as a going concern and the only specification was on the age of the vehicles. Members acknowledged that vehicles are manufactured to a better standard and now have longer warranties.

The Executive Manager – Transport Planning confirmed that the oldest vehicles currently in service are between 5-6 years old with a number of private hire vehicles pushing the 8 year boundary. He advised that the retention of a vehicle in a fleet was not solely based on a vehicle's age but was dependant upon whether a vehicle passes its inspection. A consideration for Members was also the condition of the exterior and interior of the vehicle and the impression given to passengers visiting Shetland. It was suggested that should the maximum age be extended the sale/transfer age should also be extended, to allow trade-in cars to come into the fleet.

Following debate Mr Robinson moved that the Committee approve the recommendations contained in the report with the following amendments:

- Age of vehicles to be no more than 10 years old if the application for the grant/renewal of a taxi/private hire vehicle licence to a vehicle which has held such a licence within 12 months prior to the application.
- Age of vehicle to be increased to 4 years, subject to conditions set up by officers and of passing the inspection test, to a vehicle that has not previously held such a licence.
- The number of penalty points at which an officer can grant a licence under delegated authority to be reduced to no more than 3.
- Number of spot checks to be set out in guidelines and customer care training to be investigated.

Ms Westlake seconded.

On the motion of Mr G Smith, seconded by Mr C Smith the Committee resolved in terms of subsection 4 of Section 50A of the Local Government (Scotland) Act 1973 to exclude the public from this meeting during consideration of the following agenda item on the grounds that it is likely that, if the public were present, there would be disclosure of exempt information as defined in paragraph 6 of Part I of Schedule 7A to the said Act.

03/15 **Application for Grant of a Taxi Driver's Licence**

The Committee considered a report by the Executive Manager – Transport Planning, which sought a decision on applications for a Taxi Driver's Licence, to which there had been adverse representations from Police Scotland and that cannot be granted by Officers under delegated authority.

The Committee decided to admit, for consideration, observations from the Police concerning previous convictions of the applicants. Copies of the Police observations were then circulated to Members.

Decision:

The Committee **RESOLVED** to:

- approve the grant of a taxi driver's licence for a period of 1 year.
- Defer consideration of an application for the renewal of a taxi driver's licence.

The meeting concluded at 11.55am.

CHAIR