

Agenda

Special Meeting of Licensing Committee

Date: Wednesday, 16 March 2022

Time: 14:00

Format: Hybrid Meeting

Contact: Lynn Straker, Committee Officer
Email: lynn.straker@west-dunbarton.gov.uk

Dear Member

Please attend a **Special Meeting of Licensing Committee** as detailed above.

The Convener has directed that the powers contained in Section 43 of the Local Government (Scotland) Act 2003 will be used and Members and parties to the proceedings will have the option to attend the meeting remotely or in person at the Civic Space, 16 Church Street, Dumbarton, G82 1QL.

The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:

Councillor Jim Finn (Chair)
Councillor Karen Conaghan
Councillor Ian Dickson
Councillor Caroline McAllister
Councillor Jonathan McColl (Vice Chair)
Councillor Lawrence O'Neill
Councillor Brian Walker
Vacancy

All other Councillors for information.

Date issued: 10 March 2022

LICENSING COMMITTEE
WEDNESDAY, 16 MARCH 2022

AGENDA

1 STATEMENT BY THE CHAIR

2 APOLOGIES

3 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the undernoted items of business on this agenda and, if so, state the reasons for such declarations.

4 RECORDING OF VOTES

The Committee is asked to agree that all votes taken during the meeting will be done by roll call vote to ensure an accurate record.

5 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

**6 REVIEW OF TAXI FARES AND CHARGES – DUMBARTON 5 - 23
AND VALE OF LEVEN TAXI LICENSING ZONE**

Submit report by the Chief Officer – Regulatory and Regeneration providing an update on the review of fares and charges applicable to taxis operating within the Dumbarton and Vale of Leven Taxi Licensing Zone.

**7 CONSULTATION WITH THE TAXI TRADE ON THE OPTION 25 - 28
OF OFFERING A 2 – 3 YEAR TAXI/PRIVATE HIRE CAR
DRIVER'S LICENCE**

Submit report by the Chief Officer - Regulatory and Regeneration to seek authority to undertake a consultation with the taxi trade on the possibility of offering the option of a licence for a 1, 2 or 3 year period in the future.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Special Meeting of the Licensing Committee – 16 March 2022

**Subject: Civic Government (Scotland) Act 1982
Review of Taxi Fares and Charges
Dumbarton & Vale of Leven Taxi Licensing Zone**

1. Purpose

- 1.1** To report to the Committee on the review of fares and charges applicable to taxis operating within the Dumbarton & Vale of Leven Taxi Licensing Zone.

2. Recommendations

2.1 It is recommended:-

- (a) that the current level of fares and charges applicable to the Dumbarton & Vale of Leven Taxi Licensing Zone be amended as follows:-

increase the flagfall on all tariffs by 50p;
increase the running mile by 10p on all tariffs;
increase waiting time from £18.00 per hour to £24.00 per hour;
increase the soling fee from £50 to £100.
include an extra charge within the fare chart stating:-

a charge equivalent to the initial flagfall on Tariff 1 shall be payable for a taxi booking made by telephone or via App and not cancelled before arrival when the taxi is no longer required.

- (b) that officers arrange for the advertisement of the fares and charges agreed by the Committee; and
- (c) that authority be delegated to the Chief Officer – Regulatory & Regeneration, in consultation with the Chair of the Licensing Committee, to conclude the review without the requirement for the Committee to consider a further report on the matter provided no objections or representations are received in relation to the proposal.

3. Background

- 3.1** In terms of the Civic Government (Scotland) Act, 1982, Licensing Authorities must fix scales for taxi fares and related charges within 18 months from the date on which the scales came into effect.

- 3.2 The fares and charges which are applicable to taxis operating within the Dumbarton & Vale of Leven Taxi Licensing Zone have been in effect since 25 November 2020 and these are detailed in Appendix 1.
- 3.3 The Scottish Development Department Circular 25/1986 directs Council's to seek evidence to determine whether taxi operators are receiving a fair return for their investment having taken into account the various expenses incurred by the trade. The relevant paragraphs are attached as Appendix 2.
- 3.4 Officers carried out a pre-consultation by issuing a letter to 113 Dumbarton & Vale of Leven Taxi Licence holders on 12 November 2021 seeking their views regarding the current fare chart to find out if they believed that they were receiving a fair return in relation to their earnings, taking into account the various expenses which they incur in running their business.
- 3.5 Eleven responses were received in total from taxi licence holders. 4 of the responses highlighted increases in the costs incurred in operating a taxi licence as well as a general increase in the cost of living. No responses provided any financial details in relation to earnings or specific expenses incurred.
- 3.6 In the responses received to the pre-consultation, some of the respondents took the opportunity to submit their views on the current level of fares and charges being applied in the Dumbarton and Vale of Leven zone. Within these responses 1 operator was opposed to implementing any increase in the fares and charges while 7 operators submitted an identical proposal which had been pre-prepared. As these responses were received at the pre-consultation stage they have not been included in the responses received at the full consultation stage.
- 3.7 All taxi operators were written to a second time and provided with a copy of the questionnaire in order that they make their submissions on the fares and charges applicable within the Dumbarton & Vale of Leven zone at that stage in the process. Some of those operators that replied to the pre-consultation did not submit a response to the consultation.
- 3.8 Having consulted with David Thomson and John Watters, representatives of the Dumbarton and Vale of Leven taxi trade, a questionnaire was drafted and agreed to be used for the full consultation and this can be seen at Appendix 3.
- 3.9 The questionnaire was subsequently issued to 113 taxi operators which represent the 175 taxi licences issued in the Dumbarton & Vale of Leven zone of West Dunbartonshire Council. The questionnaire was issued on 30 December 2021 allowing until 28 January 2022 for submission.

4. Main Issues

- 4.1 The questionnaire asked 5 questions pertaining to the taxi fare review. Proposal 2 is detailed at Appendix 4. The questions and subsequent responses to each question are detailed as follows:-

Q1 – Proposal

Given the responses received to the pre-consultation there were 2 definitive options put forward.

Please indicate with an X if you agree with Proposal 1 or Proposal 2.

If you choose Proposal 1 or 2 please go to Q5. If you choose neither proposal please answer all questions.

Proposal 1 – No change to the existing fare chart

☐

Proposal 2 – (Proposed changes as outlined in the attached document Appendix 4)

☐

Neither proposal

☐

Taxi Operator's responses

1 Operator wished to see no change to the existing fare chart.

17 Operators wished to see Proposal 2 implemented.

No Operator selected the 'Neither Proposal' option.

Q2. FLAGFALL

The current flagfall is set at:-

£2.50 on Tariff 1

£3.00 on Tariff 2

£4.10 on Tariff 3

£3.10 on Tariff 4

£3.60 on Tariff 5

£5.40 on Tariff 6

For a distance not exceeding 1/2 of a mile.

Please indicate what changes, if any, you would wish to make on each tariff.

Please write 'None' if you wish to see no change to each Tariff.

Taxi Operator's Response

As all responses were covered by either Proposal 1 or Proposal 2 no alternative options were put forward.

Q3. Running Mile

The current running mile is set at:-

£1.90 on Tariff 1
£2.10 on Tariff 2
£2.50 on Tariff 3
£3.10 on Tariff 4
£3.60 on Tariff 5
£5.40 on Tariff 6

*Please indicate what changes, if any, you would wish to make on each Tariff.
Please write 'None' if you wish to see no change to each Tariff.*

Taxi Operator's Response

As all responses were covered by either Proposal 1 or Proposal 2 no alternative options were put forward.

Q4. Waiting Time

The current equivalent hourly rate for waiting time is £18.00 per hour on all 6 tariffs.

*Please indicate what changes, if any, you would wish to make on each tariff.
Please write 'None' if you wish to see no change to each Tariff.*

Taxi Operator's Response

As all responses were covered by either Proposal 1 or Proposal 2 no alternative options were put forward.

Q5 - Other

Are there any other changes or suggestions you would wish to make to the existing fare chart?

No further changes or suggestions were submitted.

- 4.2** Of the 113 questionnaires sent out, 18 were returned representing 15.9% of those consulted. Given that the responses received were either in favour of Proposal 1 or Proposal 2 the responses can be summarised by stating that 0.9% of those consulted were opposed to any increase in the fare chart while 15% were in favour of Proposal 2.
- 4.3** Separate to the questionnaire, it was noted that the Clydebank fare chart includes an extra charge where in the event that a taxi is called by telephone or via App and not cancelled before arrival, that a charge equivalent to the current Tariff 1 flagfall is made. This has been raised as an issue for drivers in the Dumbarton & Vale of Leven zone who often travel to pick up pre-booked hires and find that the passenger has found an alternate means of transport without cancelling their

booking. A similar charge has been included as an extra option for Members to consider within the recommendations.

- 4.4** Having referred to the AA website which provides an average cost of fuel on a monthly basis for Scotland, it shows that in January 2022 the average cost of unleaded fuel was 145.1p per litre and 149.0p per litre for diesel. At the time when the last fare chart became effective in November 2020, the average cost of fuel in Scotland was 113.7p for unleaded petrol and 116.8 p for diesel. This represents an increase of 27.6% for both unleaded fuel and diesel based on the difference in price when comparing the figures between November 2020 and February 2022.
- 4.5** It would be prudent to mention the current situation with international events at the time of writing this report and the knock on effect this may have on fuel prices as a consequence.
- 4.6** Taxi licence holders will incur other vehicle costs including tyres, service and MOT, labour and replacement parts, road tax, insurance, capital costs, depreciation and licence fees.
- 4.7** The fare chart for Dumbarton & Vale of Leven has remained the same since 2016. At that point an additional 10p was added to the flagfall on all tariffs from the previous fare chart which was applicable in 2015.
- 4.8** Although the number of responses received only reflect the views of 15.9% of taxi licence holders it is clear that the vast majority favour the increases proposed within the fare chart at Appendix 4. Members should take all these factors into account before making a recommendation for any change to the existing fare chart.
- 4.9** In terms of Section 17 of the Civic Government (Scotland) Act 1982, before fixing any scales or carrying out any review the Licensing Authority are required to consult with persons or organisations appearing to be representative of operators of taxis within the area.
- 4.10** Before fixing any scales or carrying out any review, in addition to consulting with persons or organisations appearing to be representative of operators of taxis within the area, the Licensing Authority is required:
- (a) to publish the proposed scales in a newspaper circulating in the area setting out the proposed scales, explaining the effect of the proposed scales and proposing a date on which the proposed scales are to come into effect;
 - (b) to invite representations from any persons with respect to the proposals within a period of one month from the date of publication of the notice; and
 - (c) to consider any such representations which have been duly lodged before a decision is taken on the matter.
- 4.11** It should be noted that if representations or objections to the proposals are

received, a further report on the matter will require to be considered by the Committee. In addition, there is provision within the legislation for taxi operators within the area to appeal to the Traffic Commissioner against any decision of the licensing authority on the review of scales.

- 4.12** Should no objections or representations be received in relation to the proposals, in order to expedite matters it is suggested that authority be delegated to the Chief Officer - Regulatory and Regeneration in consultation with the Chair of the Licensing Committee, to conclude the review without the requirement for the Committee to consider a further report on the matter.

5. People Implications

- 5.1** There are no personnel issues for the Council arising from this report.

6. Financial Implications

- 6.1** There are no financial implications for the Council arising from this report.

7. Risk Analysis

- 7.1** There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

- 8.1** No issues were identified when carrying out an Equalities Impact Assessment screening exercise.

9. Consultation

- 9.1** All Dumbarton & Vale of Leven Taxi Operators were consulted in relation to the Dumbarton & Vale of Leven Fare Review.

10. Strategic Assessment

- 10.1** This report supports the Council's strategic aim of a strong local economy.

Chief Officer – Regulatory and Regeneration

Date: 9 March 2022

Person to Contact:

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Licensing Team,
Municipal Buildings,
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G82 1NR.
Tel. No. (Direct line) 01389 738742.
Email: robert.mackie@west-dunbarton.gov.uk

Appendices

1. Current Fare Chart for Dumbarton & Vale of Leven Taxi Licensing Zone.
2. Scottish Development Department Circular 25/1986 extract – Taxi Fares (2.34 – 2.37).
3. Taxi Operator's questionnaire.
4. Proposal 2 – Fare Chart for Dumbarton & Vale of Leven Taxi Licensing Zone.

Background Papers

1. Questionnaire responses

Fare Chart (Effective from 25 November 2020)

DUMBARTON AND VALE OF LEVEN ZONE

| | |
|---|--|
| Tariff One 6.00am to 9.00pm Monday to Sunday | For a distance not exceeding ½ OF A MILE..... £2.50 For each additional 1/19th mile..... £0.10 |
| Tariff Two 9.00pm to 6.00am Monday to Sunday | For a distance not exceeding ½ OF A MILE..... £3.00 For each additional 1/21st mile..... £0.10 |
| Tariff Three 6.00pm on 24th December to 6.00am on 27th December and 6.00pm on 31st December to 6.00am on 3rd January | For a distance not exceeding ½ OF A MILE..... £4.10 For each additional 1/25th mile..... £0.10 |
| Tariff Four 6.00am to 9.00pm Monday to Sunday (Only applicable when five or more passengers are being carried) | For a distance not exceeding ½ OF A MILE..... £3.10 For each additional 1/23rd mile..... £0.10 |
| Tariff Five 9.00pm to 6.00am Monday to Sunday (Only applicable when five or more passengers are being carried) | For a distance not exceeding ½ OF A MILE..... £3.60 For each additional 1/25th mile..... £0.10 |
| Tariff Six Christmas and New Year hours as per Tariff Three (Only applicable when five or more passengers are being carried) | For a distance not exceeding ½ OF A MILE..... £5.40 For each additional 1/31st mile..... £0.10 |

Any hire terminating out with the West Dunbartonshire area will be at a rate to be agreed at the time of hire.

Extra Charges

Taxi drivers may add on any charge incurred at Glasgow Airport when either dropping off or picking up passengers. Drivers must make passengers aware in advance that extra charges may be added to the fare.

Fares for Waiting

The Driver is, in addition to the above, entitled to charge for waiting whether in one stoppage or in several stoppages as follows:

For each period of TWENTY SECONDS or part thereof£0.10 (All Tariffs)

Soiling Fee

A fee of £50 is chargeable for any soiling which necessitates a taxi being removed from service for cleaning. Soiling in this context includes any soiling by means of food, drink, vomit, urine or excrement.

Circular No. 2

25/1986



SCOTTISH DEVELOPMENT DEPARTMENT

New St Andrew's House
Edinburgh EH1 3SZ

Telephone 031-556 8400 ext 4949

Previous Circular Cancelled: 24/1983
Cancelled/Amended..... Amended: 6/1983

Please reply to The Secretary

Our Reference L/TX/25/2

Date 7 August 1986

The Chief Executive
District and Islands Councils

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
TRANSPORT ACT 1985
LICENSING OF TAXIS AND PRIVATE HIRE CARS

Introduction

1. This Circular replaces SDD Circular 24/1983. It informs local authorities of the new regulations which the Secretary of State has made under section 20(1) of the Civic Government (Scotland) Act 1982 ("the 1982 Act") and of those which he has made under section 12(10) of the Transport Act 1985 ("the 1985 Act"). It also commends a new set (Annex B) of model licensing conditions to all local authorities who resolve to adopt the taxi and private hire licensing provisions of the 1982 Act. These model licensing conditions may serve local authorities as a basis for the preparation of their own local licensing conditions: they replace those annexed to Circular 24/1983, and take account of the changes in the hire car provisions which have been introduced by the 1985 Act. It should be noted, however, that as a result of the new regulations made under the 1982 Act, conditions having the same effect as model conditions 14 and 22 for taxi licences will now have to be contained in all taxi licences: see paragraph 6 of this circular. Finally, it brings to local authorities' attention a guidance paper on fare scales for shared taxis (Annex C).

2. SDD Circular 6/1983 outlined the content of the Civic Government (Scotland) Act 1982. Annex A to this circular gives the paragraphs which should be substituted for paragraphs 2.14 to 2.59 of Appendix A to that circular, in the light of the changes introduced by the 1985 Act.

SMC02830.036

2.33 Notwithstanding the above exemptions it is of course open to operators and drivers of Scottish taxis and private hire cars to apply for licences to operate in England and Wales under the 1976 Act and for English operators and drivers to seek to be licensed under the Civic Government (Scotland) Act 1982.

Taxi Fares

2.34 As mentioned in paragraph 2.30, sections 17 and 18 do not apply to taxi-buses. Subject to that, section 17 makes it the duty of the licensing authority to fix scales for fares and all other charges (for example for luggage and waiting times) in connection with the hire of a taxi. It also provides that the licensing authority must review these scales at intervals not exceeding 18 months from the date on which the scales came into effect. This 18-month period is a maximum period and authorities will require to begin consultation (outlined later) on a review an adequate time before the final date for decision. Authorities are of course free to carry out reviews at any interval within this 18-month period. A review of scales which results in a decision by the licensing authority not to make any change to the scales is treated in exactly the same manner as one in which it decides to change the scales and the provisions of section 18 for the taxi trade to appeal to the Traffic Commissioner apply equally.

2.35 Before fixing any scales or carrying out any review the licensing authority is required to undertake consultations with the taxi trade and the public and to take into account any representations received. As regards the taxi trade, consultation must be with persons or organisations appearing to the licensing authority to be, or be representative of, the operators of taxis within their area. It is open to the licensing authority to decide who are so representative but as it is open to any taxi operator to appeal under section 18 against the decision it is likely to be in authorities' interests to try to reduce appeals by as full and early consultation as possible. Public consultation must be by public notice.

2.36 Following any decision by the licensing authority on the fixing of scales or the carrying out of any reviews, the authority is required forthwith to notify its decision in writing to those representatives of the trade it previously consulted. Once the scales for taxi fares and charges

have been fixed by the licensing authority - or after appeal by the Traffic Commissioner under section 18 - the fares and charges so fixed are the maximum which can be charged (the offence provision is in section 21(5)) although it is of course open to any taxi driver to negotiate a lesser fare if he so wishes.

2.37 The Secretary of State expects that in fixing fares authorities will want to pay primary regard to the costs incurred by the trade, having regard to the capital costs (including interest payments) of the vehicles, the costs of maintaining and replacing them to the standards required by the licensing authority, the costs of employing drivers, and the prevailing levels of wages and costs in related road transport industries. In the Secretary of State's view the public interest is better served by ensuring the maintenance of an adequate taxi service by giving the trade a fair return than by depressing fares for social reasons, however understandable. If fares are fixed at a level higher than the market can stand, the trade is free to reduce them.

Appeals in respect of Taxi Fares

2.38 Section 18 provides a right of appeal by any taxi operator to the Traffic Commissioner for the Scottish Traffic Area against the scales for fares and charges for taxis or against the result of any review by the licensing authority of these scales. Any appeal to the Traffic Commissioner must be made within 14 days of the decision of the licensing authority appealed against, though the Traffic Commissioner has discretion to hear appeals after the 14-day period has expired.

2.39 There are two grounds on which the Traffic Commissioner may decline, at any stage, to proceed with an appeal. The first is where the Commissioner considers that the appeal is not representative of the view of a substantial proportion of the operators of taxis in the area. As the coming into effect of the scales is delayed while an appeal is being dealt with, an appeal by an unrepresentative minority would mean that the rest of the trade was denied charging fares with which it was content. While "substantial proportion" is not defined, it is assumed that it will be more than one-third of operators. The second is where less than two years has elapsed since deciding an appeal and the Commissioner considers it

IMBARTON AND VALE OF LEVEN TAXI FARE REVIEW – PLATE NUMBER X

A copy of the current fare chart is enclosed for reference purposes

| | |
|--|--------------------------|
| Q1. PROPOSAL | |
| Given the responses received to the pre-consultation there were 2 definitive options put forward. | |
| Please indicate with an X if you agree with Proposal 1 or Proposal 2. | |
| If you choose Proposal 1 or 2 please go to Q5. If you choose neither proposal please answer all questions. | |
| Proposal 1 – No change to the existing fare chart | <input type="checkbox"/> |
| Proposal 2 – (Proposed changes as outlined in the attached document) | <input type="checkbox"/> |
| Neither proposal | <input type="checkbox"/> |

| |
|--|
| Q2. FLAGFALL |
| The current flagfall is set at :- |
| £2.50 on Tariff 1 |
| £3.00 on Tariff 2 |
| £4.10 on Tariff 3 |
| £3.10 on Tariff 4 |
| £3.60 on Tariff 5 |
| £5.40 on Tariff 6 |
| For a distance not exceeding 1/2 of a mile. Please indicate what changes, if any, you would wish to make on each Tariff. Please write 'None' if you wish to see no change to each Tariff. |
| Tariff 1:- |
| Tariff 2:- |
| Tariff 3:- |
| Tariff 4:- |
| Tariff 5:- |
| Tariff 6:- |

| |
|--|
| Q3. RUNNING MILE |
| <p>The current running mile is set at:-</p> <p>£1.90 per mile on Tariff 1 £2.10 per mile on Tariff 2 £2.50 per mile on Tariff 3 £3.10 per mile on Tariff 4 £3.60 per mile on Tariff 5 £5.40 per mile on Tariff 6</p> <p>Please indicate what changes, if any, you would wish to make on each Tariff. Please write 'None' if you wish to see no change to each Tariff.</p> |
| Tariff 1:- |
| Tariff 2:- |
| Tariff 3:- |
| Tariff 4:- |
| Tariff 5:- |
| Tariff 6:- |

| |
|--|
| Q4. WAITING TIME |
| <p>The current equivalent hourly rate for waiting time is £18.00 per hour on all 6 Tariffs.</p> <p>Please indicate what changes, if any, you would wish to make on each Tariff. Please write 'None' if you wish to see no change to each Tariff.</p> |
| Tariff 1:- |
| Tariff 2:- |
| Tariff 3:- |
| Tariff 4:- |
| Tariff 5:- |
| Tariff 6:- |

Q5. OTHER

Are there any other changes or suggestions you would wish to make to the existing fare chart? Please indicate in writing below.

The responses to this questionnaire will be collated and used to provide information to the Licensing Committee in order that they have the views of taxi licence holders when determining what changes, if any, they would recommend to the current fare chart.

Principal Licence Holder - XX

Signed

Dated

Proposed New Fare Chart

DUMBARTON AND VALE OF LEVEN ZONE

| | |
|---|--|
| Tariff One 6.00am to 9.00pm Monday to Sunday | For a distance not exceeding ½ OF A MILE..... £3.00 For each additional 1/20th mile..... £0.10 |
| Tariff Two 9.00pm to 6.00am Monday to Sunday | For a distance not exceeding ½ OF A MILE..... £3.60 For each additional 1/22nd mile..... £0.10 |
| Tariff Three 6.00pm on 24th December to 6.00am on 27th December and 6.00pm on 31st December to 6.00am on 3rd January | For a distance not exceeding ½ OF A MILE..... £5.00 For each additional 1/28th mile..... £0.10 |
| Tariff Four 6.00am to 9.00pm Monday to Sunday (Only applicable when five or more passengers are being carried) | For a distance not exceeding ½ OF A MILE..... £4.00 For each additional 1/25th mile..... £0.10 |
| Tariff Five 9.00pm to 6.00am Monday to Sunday (Only applicable when five or more passengers are being carried) | For a distance not exceeding ½ OF A MILE..... £4.60 For each additional 1/27th mile..... £0.10 |
| Tariff Six Christmas and New Year hours as per Tariff Three (Only applicable when five or more passengers are being carried) | For a distance not exceeding ½ OF A MILE..... £6.50 For each additional 1/35th mile..... £0.10 |

Any hire terminating out with the West Dunbartonshire area will be at a rate to be agreed at the time of hire.

Extra Charges

Taxi drivers may add on any charge incurred at any Airport when either dropping off or picking up passengers. Drivers must make passengers aware in advance that extra charges may be added to the fare.

Fares for Waiting

The Driver is, in addition to the above, entitled to charge for waiting whether in one stoppage or in several stoppages as follows:

For each period of FIFTEEN SECONDS or part thereof£0.10 (All Tariffs)

Soiling Fee

A fee of £100 is chargeable for any soiling which necessitates a taxi being removed from service for cleaning. Soiling in this context includes any soiling by means of food, drink, vomit, urine or excrement.

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory and Regeneration****Special Meeting of the Licensing Committee – 16 March 2022**

Subject: Consultation with the Taxi trade on the option of offering a 2-3 Year Taxi/Private Hire Car Driver's Licence

1. Purpose

- 1.1** The purpose of this report is to advise Members of the position within West Dunbartonshire Council in respect of the current duration and fee level for Taxi/Private Hire Car Driver's Licences, and thereafter to seek authority from the Committee to undertake a consultation with the taxi trade on the possibility of offering the option of a licence for a 1, 2 or 3 year period in the future.

2. Recommendations

- 2.1** Members delegate authority to the Chief Officer to conduct a costings exercise and thereafter consult with the taxi trade with regard to offering the option of 1, 2 or 3 year licenses in the future for Taxi/Private Hire Car Driver's Licences and the proposed fee for each option, with a report following to a future Committee.
- 2.2** Members are asked to consider whether there should be a separate consultation on whether the option of a 2 or 3 year licence are also offered for other licence types which currently only have the option of a 1 year duration under the Civic Government (Scotland) Act 1982, namely window cleaners and street trader employees.

3. Background

- 3.1** At a meeting of Council on 22 March 2021, it was agreed that a report should be brought before a future Licensing Committee in order to begin a consultation with the trade on the option of offering 2 or 3 year taxi/private hire car driver's licences moving forward. Subsequently, the question of 2 or 3 year licences was discussed with representatives of the taxi trade at a meeting of the Taxi Forum held in January 2022.
- 3.2** The Civic Government (Scotland) Act 1982 ("The Act"), requires Councils to set fees so that the total amount of income derived from fees is sufficient to meet the expenses of the authority in exercising their licensing functions. For taxi fees in terms of Part 2, Section 12 of the Act this is on the basis of full cost recovery. There is no national guidance as to how Local Authorities set fees under the Act, and each Local Authority is responsible for setting fees in terms of the Act. Different authorities charge different fees, which is a matter for each individual authority.

3.3 Full fee reviews have been undertaken in early 2014 and March 2020. The costs and methodology undertaken by officers are more fully referred to in the report to the Licensing Committee on 28 August 2013 and the most recent full fee review report dated 25 March 2020.

3.4 Currently there are 447 licensed Taxi/Private Hire Car Drivers in West Dunbartonshire with 206 licensed to operate in the Clydebank zone and 241 in the Dumbarton & Vale of Leven zone.

4. Main Issues

4.1 West Dunbartonshire Council's current fee for a taxi/private hire car driver's licence is set at £296 per year for the financial year 2021/2022. Historically, West Dunbartonshire Council have issued 1 year licences to taxi/private hire car drivers, window cleaners and street trader employees under the Act. The issuing of a yearly licence allows an annual check to be carried out for individual applicants with Police Scotland before officers can issue the licence under delegated powers, where there are no objections/representations to the renewal of the licence.

4.2 No significant risks have been identified associated with proposing a 2 or 3 licence option, as Police Scotland have the ability to bring any suspension/revocation requests and relevant matters to the Committee during the duration of a licence, in terms of public safety and the "fit and proper" test under the Act, should there be any matters and/or relevant convictions for a licence holder.

4.3 It is for each Local Authority under the Civic Government (Scotland) Act 1982 to determine what period a licence under the Act is issued. The maximum period a licence can be issued is for 3 years.

4.4 It is not known at this stage what level of uptake there would be by taxi/private hire car drivers if a high upfront cost of a 2-3 year licence were optional, as opposed to the current fee associated with a 1 year licence.

4.5 It is proposed that a further fee review will be undertaken in late 2023. If the Committee decides to grant the option of 2 and/or 3 year licenses, there may be some information available on the uptake of these options to help inform the review. This review would remain on the basis of full cost recovery.

5. People Implications

5.1 None.

6. Financial and Procurement Implications

6.1 There are no procurement implications from the terms of this report. It is not known at this stage what the financial implications on cost recovery might be until a costings exercise is undertaken.

7. Risk Analysis

7.1 Any risks identified during the consultation will be addressed in the future report to Committee.

8. Equalities Impact Assessment (EIA)

8.1 No issues were identified when carrying out an Equalities Impact Assessment screening exercise.

9. Consultation

9.1 It is proposed that the taxi trade and other civic licence holders who currently hold a one year licence under the 1982 Act are fully consulted upon with regard to the option of offering a 1, 2 and 3 year licence.

10. Strategic Assessment

10.1 This report supports the Council's strategic aim of a strong local economy.

Chief Officer – Regulatory and Regeneration

Date: 9 March 2022

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Appendices: N/A.

Background Papers: None

Wards Affected: N/A

