

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 20 April 2016 at 2.00 p.m.

Present: Councillors Jim Brown, Jonathan McColl, John Mooney, and Lawrence O'Neill.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); and Nuala Borthwick, Committee Officer - Regulatory Services.

Apologies: Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillors Jim Finn, Tommy Rainey and Hazel Sorrell.

Councillor Lawrence O'Neill in the Chair

ONE MINUTE SILENCE

After hearing Councillor Jonathan McColl, the Committee stood in silence for a period of one minute as a mark of respect for Clydebank teenager, Paige Doherty, who had been tragically killed and whose funeral had taken place earlier in the day.

CHAIR'S REMARKS

The Chair, Councillor O'Neill, welcomed Sergeant Angela Walker to her first meeting of the Licensing Committee as Licensing Sergeant of "L" Division, Police Scotland.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Committee held on 24 February 2016 were submitted and approved as a correct record.

**APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE/
PRIVATE HIRE CAR DRIVER'S LICENCE**

Name and Address of Applicant

Date Applied

David Brodie
20 Whin Street
North Kilbowie
Clydebank
G81 3JE

18 February 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for grant of a Taxi Driver's Licence/Private Hire Car Driver's Licence by the above named person.

Having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority making a representation with respect to the application;
- (b) that in view of the representation which had been received from the Police authority, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (c) that copies of the letter from the Police authority containing the representation had been issued to members of the Committee in advance of the meeting.

It was noted that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee heard from Sergeant Walker in relation to the representation and in answer to Members' questions. Thereafter, Mr Brodie was given the opportunity to address the Committee in support of his application and in connection with the matters detailed in the Police letter.

DECIDED:-

After consideration, the Committee agreed:-

- (1) that the application be granted for a period of one year;
- (2) that evidence of finalisation of Mr Brodie's UK Driving Licence from DVLA must be submitted to the Licensing Section and the Police authority within a period of 6 weeks; and
- (3) that Mr Brodie's first application for grant of his full licence be referred to the Committee for consideration.

**APPLICATION FOR GRANT OF A TEMPORARY TAXI DRIVER'S
LICENCE/PRIVATE HIRE CAR DRIVER'S LICENCE**

Name and Address of Applicant

Date Applied

William Sweeney
48 Cherry Crescent
Clydebank
G81 3JA

26 February 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for grant of a Temporary Taxi Driver's Licence/Private Hire Car Driver's Licence by the above named person.

Having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of the Police authority in relation to the application;
- (b) that in view of the letter from the Police authority, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (c) that copies of the letter from the Police authority dated 11 March 2016 had been issued to Members in advance of the meeting;
- (d) that a separate letter had been received from the Police authority detailing a number of convictions of the applicant that were considered "spent" in terms of the Rehabilitation of Offenders Act 1974 and that it was for the Committee to decide whether or not the letter detailing the spent convictions should be disclosed and taken into consideration;
- (e) that the applicant and his representative, Mr Boyle, Solicitor, PRG Partnership Solicitors and a representative of the Police authority, Sergeant Walker, were in attendance; and
- (f) that two letters, both dated 12 April 2016, from the Procurator Fiscal's office and an email from Clydebank Taxis dated 14 April 2016 had been received from Mr Boyle on behalf of Mr Sweeney and that it was for the Committee to decide whether or not the details of the correspondence should be disclosed and taken into consideration.

Having heard the Section Head (Licensing) with regard to the age, degree of seriousness and relevance of the spent convictions, the Committee agreed that the letter from the Police authority detailing the spent convictions should be circulated and taken into account. Copies of the letter containing the spent convictions were accordingly circulated to Members of the Committee.

Having heard the Section Head (Licensing), it was agreed that the correspondence referred to at paragraph (f) above, should be circulated and taken into account.

The Committee then heard from Sergeant Walker in relation to both letters from the Police authority.

Both Mr Boyle and Mr Sweeney were then given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to the matters detailed in the Police letters and the disposal of matters in the case against Mr Sweeney as referred to in the letters from the Procurator Fiscal's Office. Thereafter, both Mr Boyle and Mr Sweeney answered questions from Members.

DECIDED:-

Following consideration, the Committee agreed that the application be granted for a period of 6 weeks and that Mr Sweeney's first application for grant of his full licence be referred to the Committee for consideration.

APPLICATION FOR GRANT OF AN EMPLOYEE STREET TRADER'S LICENCE

Name and Address of Applicant

Date Applied

Connor McLeod
431 Alderman Road
Glasgow
G13 4HD

12 February 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for grant of an Employee Street Trader's Licence by the above named person.

Having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority making an objection with respect to the application;
- (b) that in view of the objection which had been received from the Police, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (c) that copies of the letter from the Police authority containing the objection had been issued to members of the Committee in advance of the meeting.

It was noted that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the objection. Mr MacLeod was then given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to the matters detailed in the Police letter.

DECIDED:-

After consideration, the Committee agreed that the application be granted.

PROPOSED POLICY AND LICENCE CONDITIONS TO REGULATE THE USE OF CCTV WITHIN TAXIS AND PRIVATE HIRE VEHICLES

A report was submitted by the Strategic Lead – Regulatory seeking approval of proposed policy and conditions in relation to the operation of CCTV in licensed vehicles with a view to protecting the public from the misuse of such systems.

DECIDED:-

After having heard the Section Head (Licensing) in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to note the terms of the discussion in relation to the proposed policy and licence conditions to regulate the use of CCTV within taxis and private hire vehicles;
- (2) to continue consideration of the report to the next meeting of the Licensing Committee on 8 June 2016 to enable officers to respond to Members' concerns; and
- (3) that a briefing session on the proposed policy on the use of CCTV within taxis would be held for Members of the Licensing Committee prior to the June meeting to enable officers to answer Members' questions and queries.

PROPOSED LICENSING SCHEME FOR BOAT HIRERS

A report was submitted by the Strategic Lead – Regulatory providing an update on the proposed scheme for boat hirers.

DECIDED:-

The Committee agreed:-

- (1) to note the update on the proposed scheme contained in the report;
- (2) that officers be authorised to arrange for the public advertisement of the proposed resolution for the introduction of a boat hirer licensing scheme in terms of the Civic Government (Scotland) Act 1982; and
- (3) that a further report, including any representations or objections received in relation to the proposed scheme, would be submitted to a future meeting of the Committee and would detail the full terms of the proposed scheme and licensing conditions.

EXCLUSION OF PRESS AND PUBLIC

The Committee agreed to pass the following resolution:-

“That under Section 50A(4) of the Local Government (Scotland) Act, 1973 the press and public be excluded from the meeting for the following items of business on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 1 of Schedule 7A of the Act.”

VARIATION IN THE ORDER OF BUSINESS

Having heard the Chair, Councillor O'Neill, the Committee agreed that the business be varied as hereinafter minuted.

HEARING REGARDING POSSIBLE SUSPENSION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following a complaint which had been submitted by Police Scotland.

Having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland requesting the immediate suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 12(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public order or public safety;
- (b) that having consulted the Chair of the Licensing Committee it was decided that, due to the content of the letter received from the Police, the Taxi Driver's/Private Hire Car Driver's Licence held by the licence holder should be suspended with immediate effect under Paragraph 12 of Schedule 1 to the Act;
- (c) that on 15 March 2016, the licence holder surrendered the identification badge;
- (d) that the licence holder's current Taxi Driver's/Private Hire Car Driver's Licence expires on 25 August 2016;
- (e) that the Chief Constable had also requested the suspension of the licence under Paragraph 11 of Schedule 1 to the 1982 Act whereby a licensing authority may order the suspension of a licence under Paragraph 11 if, in its opinion, the holder of the licence is not, or is no longer, a fit and proper person to hold the licence;

- (f) that in view of the request for suspension of the licence received from the Police, the licence holder and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (g) that copies of the letter from the Police authority had been issued to Members of the Committee in advance of the meeting; and
- (h) that the matters which the Committee was required to consider in relation to paragraph (e) above were as follows:-
 - (i) whether the alleged misconduct had been established;
 - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a taxi driver's licence;
 - (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person, then the Committee must consider whether his licence should be suspended;
 - (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder an opportunity of being heard on the length of the suspension and the date from which the suspension should commence; and
 - (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension.

It was noted that the licence holder and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker who provided details of the offence allegedly committed by the licence holder in relation to the request for suspension of the licence and answered a question from a Member.

Thereafter, the licence holder was given the opportunity to address the Committee on the circumstances detailed in the letter from the Police authority.

ADJOURNMENT

At the request of the Chair, Councillor O'Neill, the Committee agreed to adjourn for a short period to confirm details of a letter from the Procurator Fiscal's office which had been provided by the licence holder.

The Committee reconvened at 3.26 p.m. with all Members shown on the sederunt in attendance.

The Chair then provided details of the letter from the Procurator Fiscal's office dated 1 April 2016 which advised that no action would be taken in the case against the licence holder at this time.

Thereafter, the licence holder, Sergeant Walker and the Senior Officer (Licensing Services) were heard in answer to questions from Members and in relation to the circumstances relating to the alleged offences, as detailed in the letter from the Police authority.

DECIDED:-

After consideration, the Committee agreed:-

- (1) that the hearing would be continued to a Special Meeting of the Licensing Committee to enable officers to seek further information from the licence holder's taxi office in relation to the alleged incident; and
- (2) that the suspension of the licence under Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 would continue until the Special Meeting of the Licensing Committee.

HEARING REGARDING POSSIBLE RECALL OF AN ORDER TO SUSPEND A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the recall of the order to suspend a Taxi Driver's/Private Hire Car Driver's Licence.

It was noted that the licence holder was not in attendance.

DECIDED:-

After discussion and having heard the Section Head (Licensing) in further explanation of the circumstances of the possible recall of the suspension, the Committee agreed to continue the Hearing regarding possible recall of the suspension until such time as the applicant can provide suitable medical information.

HEARING REGARDING POSSIBLE SUSPENSION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following a complaint which has been submitted by Police Scotland.

It was noted that the licence holder was not in attendance and had not responded to attempts made by officers to contact him.

DECIDED:-

After discussion and having heard the Section Head (Licensing), it was agreed to continue the Hearing regarding the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence.

The meeting closed at 4.00 p.m.

DRAFT

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 11 May 2016 at 10.00 a.m.

Present: Councillors Jim Brown, John Mooney, Jonathan McColl, Lawrence O'Neill, Tommy Rainey and Hazel Sorrell.

Attending: Raymond Lynch, Section Head; Robert Mackie, Senior Officer (Licensing Services); Lawrence Knighton, Licensing Standards Officer and Nuala Borthwick, Committee Officer, Regulatory Services.

Apology: An apology for absence was intimated on behalf of Provost Douglas McAllister.

Councillor Lawrence O'Neill in the Chair

DECLARATION OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda at this point in the meeting.

EXCLUSION OF PRESS AND PUBLIC

The Committee passed the following resolution:-

"That under Section 50A(4) of the Local Government (Scotland) Act, 1973 the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 1 of Schedule 7A of the Act."

CONTINUED HEARING REGARDING POSSIBLE SUSPENSION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following a complaint which had been submitted by Police Scotland.

After discussion, Councillors Rainey and Sorrell decided to leave the meeting given that they were not present at the meeting of the Committee on 20 April 2016.

Having heard the Section Head (Licensing), it was noted:-

- (a) that at a meeting of the Licensing Committee held on 20 April 2016, Members agreed to suspend the licence under Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 until further enquiries were carried out by the Senior Officer (Licensing Services);
- (b) that the licence holder's current Taxi Driver's/Private Hire Car Driver's Licence would expire on 25 August 2016;
- (c) that in view of the further enquiries carried out by the Senior Officer (Licensing Services), the licence holder and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (d) that copies of the letter from the Police authority dated 11 March 2016 and considered at the Hearing on 20 April 2016, had been re-issued to Members of the Committee in advance of the meeting; and
- (e) that the matters which the Committee was required to consider were as follows:-
 - (i) whether the alleged misconduct had been established;
 - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a taxi driver's licence;
 - (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person, then the Committee must consider whether his licence should be suspended;
 - (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder an opportunity of being heard on the length of the suspension and the date from which the suspension should commence; and
 - (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension;
- (f) that a copy of a character reference for the licence holder, received from Mr Hambley, Group Operations Manager, Clydebank Taxis, at the meeting, had been circulated to members of the Committee; and

- (g) that the copy of a documentary information received from the Senior Officer (Licensing Services) as a result of further enquiries requested by Members at the Hearing on 20 April 2016, had been distributed to members of the Committee at the meeting.

It was noted that the licence holder, his legal representative, Mr Phillips, Bridge Litigation Solicitors and Mr Hambley, Clydebank Taxis and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the letter from the Police authority. It was noted that the police had updated the Procurator Fiscal in relation to further information which had arisen as a result of enquiries relating to GPS information requested by the Committee at its meeting on 20 April 2016.

Thereafter, the Committee heard from the Senior Officer (Licensing Services) in relation to the further enquiries carried out in relation to the alleged incident involving the licence holder and in answer to Members' questions.

The Committee then heard from the licence holder and his legal representative who were given the opportunity to address the alleged offences and the further evidence provided by the Senior Officer (Licensing Services). Thereafter, the licence holder, his legal representative and Mr Hambley were heard in answer to Members' questions.

ADJOURNMENT

After hearing the Chair, Councillor O'Neill, the Committee agreed to adjourn at 11.05 a.m. for a short period of time to allow the licence holder to consult with his legal representative.

The meeting reconvened at 11.13 a.m. with Councillors Brown, Mooney, McColl and O'Neill in attendance.

DECIDED:

The Committee agreed:-

- (1) that the alleged misconduct had been established;
- (2) that the misconduct did not form grounds for suspending the licence holder's licence; and
- (3) that a warning letter be issued to the licence holder from the Strategic Lead - Regulatory concerning his behaviour.

The meeting closed at 11.18 a.m.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead - Regualtory
Licensing Committee – 8 June 2016

Subject: Application for grant of a Taxi Driver's Licence/Private Hire Car Driver's Licence

1. Purpose

- 1.1** To consider an application for grant of a Taxi Driver's/Private Hire Car Driver's Licence submitted by Mr. Shaun Ennis, 97 Thistleneuk, Old Kilpatrick, G60 5LZ.

2. Recommendations

- 2.1** It is recommended that the application be considered and determined by the Committee.

3. Background

- 3.1** Mr. Ennis submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 31 March 2016.
- 3.2** When Mr. Ennis applied for grant of a temporary Taxi/Private Hire Car Driver's Licence on 5 January 2016, a letter was received from the Chief Superintendent of the Police authority making comments in relation to the application. After a hearing at the meeting of the Committee on 24 February 2016, it was agreed that the licence be granted and should the applicant submit an application for the grant of a Taxi/Private Hire Car Driver's Licence, the application would be referred to a meeting of the Committee for consideration and the applicant would be invited to attend.
- 3.3** An email was received from the Chief Superintendent of the Police authority on 18 May 2016 advising that there were no Police objections.

4. Main Issues

- 4.1** The applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 8 June 2016.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial and Procurement Implications

- 6.1** There are no financial implications

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 impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

- 9.1** Police Scotland were consulted in relation to the application.

10. Strategic Assessment

- 10.1** In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 18/5/16

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake Road,
Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.
robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of temporary Taxi Driver's Licence/Private Hire Car Driver's Licence from Mr. Shaun Ennis, 97 Thistlebank, Old Kilpatrick, G60 5LZ
- 2.** Email dated 18 May 2016 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Ennis dated 24 May 2016.
- 4.** Letter to Chief Superintendent dated 24 May 2016.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Strategic Lead – Regulatory

Licensing Committee – 8 June 2016

Subject: Request to operate a non-wheelchair accessible vehicle in the Clydebank zone

1. Purpose

- 1.1** To consider a request from Mr. Craig Burns, 6 Queen Mary Avenue, Clydebank, G81 2LW to potentially operate a vehicle as a taxi within the Clydebank zone which has not been adapted for wheelchair accessibility.

2. Recommendations

- 2.1** It is recommended that the request from Mr. Burns be considered and determined by the Committee.

3. Background

- 3.1** Mr. Burns submitted a request on 20 May 2016 seeking permission, when considering a change of vehicle in future, to use a Peugeot Partner Tepee or a Fiat Doblo which has not been adapted to carry wheelchair passengers as a taxi within the Clydebank zone of West Dunbartonshire.
- 3.2** Mr. Burns has also submitted a letter from his doctor dated 17 May 2016 detailing his recent medical history and recommending that he refrain from lifting heavy items. As a result, Mr. Burns has been exempted on medical grounds from deploying the wheelchair ramp(s) and consequently not carrying wheelchair bound passengers.
- 3.3** A decision to enforce a 100% wheelchair accessible fleet within the Clydebank area was taken by the former Clydebank District Council and has been applied since October 1996.
- 3.4** At a meeting of the Licensing Committee on 2 December 2015, Members acceded to a request from another Clydebank taxi operator to change to a non-wheelchair accessible vehicle on medical grounds on the understanding that only he, or drivers who held a medical exemption, would be able to drive the replacement vehicle. Members also agreed that when this particular operator decides to retire, any future holder of the licence would be required to obtain a wheelchair accessible vehicle.

4. Main Issues

- 4.1** Taxi drivers, who operate wheelchair accessible vehicles, are required to ensure that the ramps which allow wheelchair bound passengers to enter the vehicle

are deployed safely. Taxi drivers must also ensure that, once the wheelchair bound passenger has entered the vehicle that they are transported safely using the appropriate seatbelt and restraints. It is not the taxi drivers' responsibility to assist putting wheelchair bound passengers into the vehicle or to remove the wheelchair bound passenger from the vehicle at the end of the hire.

- 4.2** Mr. Burns has recently been exempted on medical grounds from deploying the ramp which allows wheelchair bound passengers to enter and exit the vehicle.
- 4.3** Mr. Burns is requesting that he be allowed to obtain a vehicle which is not wheelchair accessible. If in the future Mr Burns wishes to relinquish his taxi licence, any subsequent operator of this licence would be required to operate a wheelchair accessible vehicle.
- 4.4** Mr. Burns could continue applying for medical exemptions however it can be assumed that the principal reason for his request is the decreased cost of purchasing a replacement non-wheelchair accessible vehicle.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial and Procurement Implications

- 6.1** There are no financial implications

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** An equalities impact assessment was carried out. There would be no alteration to the number of taxis available to the public in the Clydebank zone however there would be a reduction in the number of wheelchair accessible vehicles available.

9. Consultation

- 9.1** No consultation was required in relation to the request submitted by Mr. Burns.

10. Strategic Assessment

- 10.1** In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 23/5/16

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake Road,
Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: Equality Impact Assessment

Background Papers:

1. Letter from Mr Burns dated 20 May 2016.
2. Letter dated 17 May 2016 from Dr. E. Pringle, Clydebank Health Centre, Kilbowie Road, Clydebank, G81 2TQ.
3. Letter to Mr. Burns dated 24 May 2016.

Wards Affected: N/A.

Appendix 1

EQUALITY IMPACT: SCREENING AND ASSESSMENT FORM

This form is to be used in conjunction with the Equality Impact Assessment Guidelines. Please refer to these before starting; if you require further guidance contact community.planning@west-dunbarton.gov.uk

Section 1: Policy/Function/Decision (PFD) Details	
A PFD is understood in the broad sense including the full range of functions, activities and decisions the council is responsible for.	
Name of PFD:	A decision was taken by the former Clydebank District Council in 1995 requiring every taxi operating within the area to be wheelchair accessible and this policy has been in place since October 1996.
Lead Department & other departments/ partners involved:	Corporate Services, Licensing Team
Responsible Officer	Robert Mackie
Impact Assessment Team	Robert Mackie, Senior Officer (Licensing Services); Lawrence Knighton (Licensing Standards Officer)
Is this a new or existing PFD?	This is an existing decision.
Start date: May 2016	End date: May 2016
Who are the main target groups/ who will be affected by the PFD?	Wheelchair bound passengers seeking the hire of a taxi within the Clydebank zone.
Is the PFD Relevant to the General duty to eliminate discrimination, promote equal opportunities or foster good relations? Please enter brief detail	Yes. It is important to maintain the availability of wheelchair accessible vehicles in the Clydebank zone.
Yes:	If yes, complete all sections, 2-9
No:	If no, complete only sections 8-9
	If don't know, complete sections 2 & 3 to help assess relevance

Section 2: Evidence	
Please list the available evidence used to assess the impact of this PFD, including the sources listed below. Please also identify any gaps in evidence and what will be done to address this.	
Available evidence:	
Consultation/ Involvement with community, including individuals or groups or staff as relevant	The Clydebank taxi trade have in the past not shown a wish to divert away from a 100% wheelchair accessible fleet. No consultation was carried out as the request from Mr. Burns is on personal medical grounds.
Research and relevant information	None
Officer knowledge	<p>It is common knowledge that there is a significant financial differential between operating a Wheelchair Accessible Vehicle and a typical salon car. The taxi licence and drivers' conditions only require minimal physical assistance to wheelchair passengers by way of deploying the ramps used to alight the vehicle.</p> <p>Condition 41 of holding a Taxi Licence states:- "The holder of a Taxi Licence shall ensure that all drivers operating his/her Taxi are fully trained in the use and operation of said ramp and restraints and shall ensure that said drivers use and operate said ramp and restraints in a proper manner."</p> <p>This requires the driver to deploy ramps which are usually lightweight aluminium and to place restraint straps onto the wheelchair if the passenger remains in the wheelchair.</p>
Equality Monitoring information – including service and employee monitoring	None
Feedback from service users, partner or other organisation as relevant	None
Other	

Are there any gaps in evidence? Please indicate how these will be addressed			
Gaps identified	None		
Measure to address these			
<i>Note: Link to Section 6 below Action Plan to address any gaps in evidence</i>			
Section 3: Involvement and Consultation Include involvement and consultation relevant to this PFD, including what has already been done and what is required to be done, how this will be taken and results of the consultation. Please outline details of any involvement or consultation, including dates carried out, protected characteristics. Also include involvement or consultation to be carried out as part of the developing and implementing the policy.			
Details of consultations	Dates	Findings	Characteristics
			Race
			Sex
			Gender Reassignment
Previous consultation with the trade.	2010	No previous inclination to waiver from 100%	Disability
			Age
			Religion/ Belief

			Sexual Orientation
			Civil Partnership/ Marriage
			Pregnancy/ Maternity
			Cross cutting

Note: Link to Section 6 below Action Plan

Section 4: Analysis of positive and Negative Impacts

Protected Characteristic	Positive Impact	Negative Impact	No impact
Race			<input checked="" type="checkbox"/>
Sex			<input checked="" type="checkbox"/>
Gender Re-assignment			<input checked="" type="checkbox"/>
Disability		A decision to allow a non-WAV could potentially encourage other taxi operators to apply for the same exemption thus reducing the number of available WAV's further.	

Age			<input checked="" type="checkbox"/>
Religion/ Belief			<input checked="" type="checkbox"/>
Sexual Orientation			<input checked="" type="checkbox"/>
Civil Partnership/ Marriage; this PC is not listed as relevant for Specific Duties; however under the General Duty we are required to eliminate any discrimination for this PC.			<input checked="" type="checkbox"/>

Note: Link to Section 6 below Action Plan in terms of addressing impacts

Section 5: Addressing impacts

Select which of the following apply (use can choose more than one) and give a brief explanation – to be expanded in Section 6: Action Plan

1. No major change	
2. Continue the PFD	Members have previously decided to allow another operator to use a non-WAV vehicle on medical grounds. The policy of requiring a 100% wheelchair fleet within the Clydebank zone of WDC will be maintained however exceptions can be made by the Committee.

3. Adjust the PFD	By allowing a second non WAV vehicle to operate in Clydebank the policy of having a 100% fleet would be further reduced although this would be temporarily until both operators concerned left the taxi trade and the licence was granted to someone else to whom the exemption would not apply.
4. Stop and remove the PFD	
Give reasons: The current conditions are designed to allow every wheelchair user to use any taxi operating in the Clydebank zone. Allowing a non-WAV to operate would temporarily reduce the availability of taxis suitable for wheelchair passenger.	
<i>Note: Link to Section 6 below Action Plan</i>	

Section 6: Action Plan describe action which will be taken following the assessment in order to; reduce or remove any negative impacts, promote any positive impacts, or gather further information or evidence or further consultation				
Action	Responsible person	Intended outcome	Date	Protected Characteristic
NA				Disability
NA				Gender
NA				Gender Reassignment
NA				Race

NA				Age
NA				Religion/ Belief
NA				Sexual Orientation
NA				Civil Partnership/ Marriage
NA				Pregnancy/ Maternity
NA				Cross cutting

Are there any negative impacts which cannot be reduced or removed? please outline the reasons for continuing the PFD

No

Section 7: Monitoring and review

Please detail the arrangements for review and monitoring of the policy

How will the PFD be monitored? What equalities monitoring will be put in place?	If a non-WAV vehicle is allowed on medical grounds then we will ensure a WAV is returned to the fleet once Mr Burns ceases operating and a new licence holder is in place.
When will the PFD be reviewed?	N/A
Is there any procurement involved in this PFD? If yes please confirm that you have read the WDC Equality and Diversity guidance on procurement	No

Section 8: Signatures

The following signatures are required:

Lead/ Responsible Officer:	Signature: Robert Makie	Date: 24/5/16.
EIA Trained Officer:	Signature: M. WA	Date: 24/5/16
Section 9: Follow up action		
Publishing: Forward to community Planning and Policy for inclusion on intranet/internet pages	Signature:	Date:
Service planning: Link to service planning/ covalent – update your service plan/ covalent actions accordingly	Signature:	Date:
Give details, insert name and number of covalent action and or related PI:		
Committee Reporting: complete relevant paragraph on committee report and provide further information as necessary	Signature:	Date:
Completed form: completed forms retained within department and copy passed to Policy Development Officer (Equality) within the CPP team	Signature:	Date:

WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead - Regulatory
Licensing Committee – 8 June 2016

Subject: Hearing regarding possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence

1. Purpose

- 1.1** To consider a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr. Robert Pollock, Flat 3, 30 Crown Avenue, Clydebank G81.

2. Recommendations

- 2.1** The Committee are asked to consider the terms of this report, the terms of the letter from the Chief Constable and any evidence presented at the hearing and thereafter determine whether the licence should be suspended and, if so, the duration of the suspension and date of commencement thereof.

3. Background

- 3.1** On 5 May 2016, a letter was received from the Chief Constable of Police Scotland requesting the immediate suspension of the Taxi Driver's/Private Hire Car Driver's Licence held by Mr. Robert Pollock under Paragraph 12(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence relates is likely to cause a serious threat to public order or public safety.
- 3.2** Having consulted with the Strategic Lead - Regulatory it was decided that, having considered the content of the letter received from the Police, the Taxi Driver's/Private Hire Car Driver's Licence held by Mr. Pollock did not require to be suspended with immediate effect under Paragraph 12 of Schedule 1 to the Act.
- 3.3** The expiry date of Mr. Pollock's current Taxi Driver's/Private Hire Car Driver's Licence is 25 May 2016.

4. Main Issues

- 4.1** In his letter the Chief Constable also requested a suspension of the licence under Paragraph 11 of Schedule 1 to the 1982 Act. A licensing authority may order the suspension of a licence under Paragraph 11 if, in its opinion, the holder of the licence is not, or is no longer, a fit and proper person to hold the licence.
- 4.2** The period of suspension of a licence is the unexpired portion of the duration of

the licence, or such shorter period as the licensing authority may fix.

- 4.3** Where a licensing authority decides to order the suspension of a licence, the suspension generally does not take effect until the expiry of the time within which the holder of the licence may appeal against the suspension (28 days from the date of the decision to suspend) or, if an appeal has been lodged, until the appeal has been abandoned or determined in favour of the suspension. However, if the licensing authority determines that the circumstances of the case justify immediate suspension, it may order that the licence be suspended immediately.
- 4.4** A licensing authority must, before deciding to suspend a licence under Paragraph 11, give the holder of the licence and the Chief Constable an opportunity of being heard.
- 4.5** The licence holder and a representative of the Police authority have been invited to attend the meeting of the Committee on 8 June 2016 in order that a hearing may take place with regard to the possible suspension of the licence.
- 4.6** In considering whether to suspend a licence the licensing authority may have regard to any misconduct on the part of the licence holder which in the opinion of the authority has a bearing on his fitness to hold a licence.
- 4.7** The matters which the Committee will require to consider in relation to paragraph 4.1 above are as follows:-
- (a) Whether the alleged misconduct has been established.
 - (b) If the Committee is satisfied that the alleged misconduct has been established, whether, having regard to the misconduct, Mr. Pollock is no longer a fit and proper person to hold a taxi driver's licence.
 - (c) If the Committee is of the opinion that Mr. Pollock is no longer a fit and proper person, the Committee must consider whether his licence should be suspended.
 - (d) If the Committee is satisfied that the licence should be suspended, the Committee must give Mr. Pollock an opportunity of being heard on the length of the suspension and the date from which the suspension should commence.
 - (e) The Committee must then consider what length of suspension is appropriate and whether the circumstances of the case justify immediate suspension.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

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 impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 No consultation was required in relation to this request for suspension from Police Scotland.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 18/5/2016

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services)
Licensing Team
Garshake Road
Dumbarton
G82 3PU.

Tel. No. (Direct line) 01389 738742.
robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Letter dated 5 May 2016 from the Chief Constable, Police Scotland.
- 2.** Letter to Mr. Pollock dated 24 May 2016.
- 3.** Letter to the Chief Constable, Police Scotland dated 24 May 2016.

Wards Affected: N/A.



NOT FOR PUBLICATION

**by virtue of Paragraph 14 of Part 1 of Schedule 7A of
the Local Government (Scotland) Act, 1973**

**ANY ACTION TAKEN OR TO BE TAKEN IN
CONNECTION WITH THE PREVENTION,
INVESTIGATION OR PROSECUTION OF CRIME**

PLEASE NOTE THAT CONFIDENTIAL PAGES HAVE BEEN REMOVED

WEST DUNBARTONSHIRE COUNCIL

Report by the Strategic Lead - Regulatory Services

Licensing Committee – 8 June 2016

**Subject: Civic Government (Scotland) Act 1982
Part V – Public Processions
Police, Public Order and Criminal Justice (Scotland) Act 2006
Notice of Proposal to hold a Public Procession:
Dumbarton Orange & Purple District No. 27**

1. Purpose

- 1.1** The purpose of this report is to assist the Committee in considering whether to depart from the code of conduct, which prohibits the playing of music before 9 am, to allow the playing of music at 8.45 am as requested by the Dumbarton Orange & Purple District No. 27 within their notice of proposal to hold a Public Procession submitted on 18 May 2016.

2. Recommendations

- 2.1** It is recommended that Members consider the request from Mr. William Giffen to allow the accompanying band, The Pride of the Rock Flute Band, to play music at 8.45 am as the Dumbarton Orange & Purple District No. 27 procession passes through Alexandria on the morning of Saturday 2 July 2016.

3. Background

- 3.1** The notice of proposal to hold a public procession and risk assessment was submitted by Mr. William Giffen on behalf of the Dumbarton Orange & Purple District No. 27 on 18 May 2016. The reason for the procession, stated on the notice of proposal, is for the Annual Boyne Demonstration. The notice of proposal was subsequently advertised on the Council's website.
- 3.2** A precursory meeting is being arranged for early June 2016 with the applicant and Police Scotland.
- 3.3** A similar application was brought before the Licensing Committee in April 2015, members decided to grant the request from Dumbarton Orange and Purple No 27 to allow the playing of music from 8.45 am.

4. Main Issues

- 4.1** The Council's code of conduct states:-

'Unless specifically stipulated in the notification, no band shall play or music shall be played before 9.00 am and after 9.00 pm.'

4.2 The purpose of the restriction on times when music should not be played is to minimise disruption to local communities.

4.3 At the point of report submission no adverse comments had been received from Dumbarton East & Central Community Council or from any Member of the Licensing Committee.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications.

7. Risk Analysis

7.1 The Committee, in considering whether or not to depart from the code of conduct by allowing music to be played at 8.45 am should consider the risk of disruption to the community.

8. Equalities, Health & Humans Rights Impact Assessment

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Details of the procession were posted on the Council's website on 23 May 2016. No objections have been received.

9.2 Dumbarton East & Central Community Council were invited to comment by email on 23 May 2016. No comments were forthcoming.

9.3 Members of the Licensing Committee were contacted and advised of the details of the procession by email on 19 May 2016. No adverse comments were forthcoming.

9.4 Police Scotland were sent a copy of the Notice of proposal on 18 May 2016.

10. Strategic Assessment

10.1 There are no strategic implications.

Strategic Lead - Regulatory

Date: 23 May 2016

Person to Contact: Lawrence Knighton,
Licensing Officer,
Licensing Team,
Garshake Road,
Dumbarton,
G82 3PU.

Tel. No. (Direct line) 0141 9517986
lawrence.knighton@west-dunbarton.gov.uk

Appendices: None

Background Papers:

1. Notice of Proposal to hold a Public Procession submitted 18 May 2016.
2. Email to Licensing Committee Members dated 19 May 2016.
3. Email to Dumbarton East & Central Community Council dated 23 May 2016.

Wards Affected: Dumbarton and Leven Wards

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead - Regulatory

Licensing Committee: 8 June 2016

Subject: To consider proposed changes to licence conditions attached to Metal Dealer Licences.

1. Purpose

- 1.1** This report requests that the Licensing Committee accepts the proposed changes to Metal Dealer licence conditions.

2. Recommendations

- 2.1** The Licensing Committee is recommended to agree the proposed changes as referred to in Appendix 1.

3. Background

- 3.1** Following a review of the existing conditions for Metal Dealers most of the conditions were found to be in need of updating to reflect current language, practice or changes to legislation.

4. Main Issues

- 4.1** Conditions have historically been infrequently reviewed and as the legislation and wording used dates it can provide difficulty for officers enforcing the terms of these conditions.
- 4.2** The proposed conditions were found to be in need of updating to reflect current language, practice or changes to legislation as per Appendix 1.
- 4.3** There are however no new conditions or substantive changes to the current conditions.

5. People Implications

- 5.1** There are no personnel issues associated with this report.

6. Financial Implications

- 6.1** There are no financial implications associated with this report.

7. Risk Analysis

- 7.1** The only identified risk to West Dunbartonshire Council would be the risk of a legal challenge to any action taken by Officers with conditions that include out of date references.

8. Equalities Impact Assessment (EIA)

- 8.1** There are no perceived equalities issues relating to this report. In order to arrive at this determination an equalities impact assessment screening exercise was carried out.

9. Consultation

- 9.1** Consultation on the content of the conditions referred to in this report was carried out with the Environmental Health & Trading Standards Teams of Regulatory Services and Police Scotland.

10. Strategic Assessment

- 10.1** The review of licensing conditions assists in maintenance of the following strategic priority:
- Improve the well-being of communities and protect the welfare of vulnerable people.

Peter Hessett
Strategic Lead - Regulatory
Date: 23 May 2016

Person to Contact:	Lawrence Knighton, Licensing Standards Officer, Council Offices, Garshake, Dumbarton G82 3PU. Lawrence.Knighton@wdc.gcsx.gov.uk tel: 0141 951 7986
Appendices:	1) Metal Dealers Conditions – proposed changes
Background Papers:	None
Wards Affected:	All.

Appendix 1

Proposed amendments to conditions attached to Metal Dealer's Licences

The following conditions have been identified as requiring alteration to comply with current legislation and administrative matters. Some of these changes have been suggested through consultation with Police Scotland, Environmental Health, and Trading Standards. The language has also been updated for clarity.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

METAL DEALERS

STANDARD CONDITIONS

Current Condition

1. A metal dealer while trading shall always have with him his licence which he shall keep at all times clean and legible and he shall present it on demand to any Consumer Protection Officer or Inspector of Weights and Measures, any Shops Inspector, any Environmental Health Officer, any Constable, any Officer appointed by the Council or such other Officer as may be prescribed by the Council in the licence from time to time on production by that Officer, Inspector, Constable or other Officer of his badge of office or written evidence of his appointment to that office, and shall allow such Officer, Inspector, Constable or other Officer to note the particulars on such licence.

Proposed Condition

A metal dealer while trading will always have with them their licence which they will keep at all times clean and legible and they will present it on demand to any Trading Standards authorised Officer, any Shops Inspector, any Environmental Health Officer, any Constable, any Officer appointed by the Council or such other Officer as may be prescribed by the Council in the licence from time to time on production by that Officer or Constable of his badge of office or written evidence of their appointment to that office, and shall allow such Officer or Constable to note the details on the licence.

Reason for Change

Trading Standards recommended the following; references to Consumer Protection Officer or Inspector of Weights and Measures and references to Inspector to be changed to Trading Standards authorised Officer.

Current Condition

2. If, during the currency of his licence, a licence holder changes his name or address he shall within seven days next after such change of name or address notify the change and send or deliver his licence to the Licensing Officer who shall endorse the new name or address upon the licence and return it to the holder.

Proposed Condition

If, during the currency of their licence, a licence holder changes their name or address they will within the next seven days notify the change and send or deliver their licence to the Licensing Team at West Dunbartonshire Council where an officer shall amend the name or address upon the licence and return it to the holder.

Reason for Change

Administrative update - changed from Licensing Officer to Officer at the Licensing Team at West Dunbartonshire Council.

Current Condition

3. A metal dealer shall not in any way alter, erase or deface his licence and shall, when reasonably required, produce it for examination by the Head of Legal and Administrative Services, Council Offices, Garshake Road, Dumbarton.

Proposed Condition

A metal dealer shall not in any way alter, erase or deface their licence and will, when reasonably required, produce it for examination by the Strategic Lead – Regulatory, Council Offices, Dumbarton.

Reason for Change

Administrative update – Service title has changed. Address updated for longevity of document.

Current Condition

4. A metal dealer shall comply with, or ensure compliance with, such requirements/recommendations as may be made by the Fire Authority, without prejudice to any existing or future legislation which may apply to the premises.

Proposed Condition

No change

Current Condition

5. A metal dealer shall ensure that no noise nuisance is caused in terms of the Control of Pollution Act 1974.

Proposed Condition

A metal dealer shall ensure that no noise nuisance is caused in terms of the Environmental Protection Act 1990.

Reason for Change

Update of legislation.

Current Condition

6. A metal dealer shall ensure that his operations comply with the Clean Air Acts 1956 and 1968.

Proposed Condition

A metal dealer shall ensure that his operations comply with the Clean Air Act 1993.

Reason for Change

Update of legislation.

Current Condition

7. A metal dealer should ensure that they have an adequate waste disposal for waste generated on site in terms of the Environmental Protection Act 1990 'Duty of Care' which is attached to these conditions.

Proposed Condition

A metal dealer should ensure that they have an adequate waste disposal system for waste generated on site in terms of the Environmental Protection Act 1990 'Duty of Care.'

Reason for Change

'System' added for clarity and removal of 'which is attached to these conditions' as it is the duty of the licence holder to be familiar with this legislation.

Current Condition

8. A metal dealer who ceases to act as such for the unexpired period of his licence, or whose licence shall have been suspended or revoked by the Council or shall have expired shall, within seven days thereafter deliver his licence to the Head of Legal and Administrative Services and shall be in contravention of these Conditions if he shall fail to deliver his licence within the said period of seven days.

Proposed Condition

A metal dealer who ceases to act as such for the unexpired period of their licence, or whose licence has been suspended or revoked by the Council or has expired will, within seven days deliver their licence to the Strategic Lead – Regulatory.

Reason for Change

Administrative update – Head of Legal and Administrative Services to the Strategic Lead Regulatory.

WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead - Regulatory
Licensing Committee – 8 June 2016

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 a proposed review of fares and charges applicable to taxis operating within the Dumbarton & Vale of Leven Taxi Licensing Zone.

2. Recommendations

It is recommended that consideration be given to the submission made by the West Dunbartonshire Area Taxi Trade Association. The Licensing Committee however are not bound to choose this option and may have an alternative proposal.

2.1 It is recommended:-

- (a) that officers be authorised to arrange for the advertisement of the fares and charges agreed by the Committee;
- (b) that it be noted that if representations or objections to the proposal are received, a further report on the matter would require to be considered by the Committee; and
- (c) that should no objections or representations be received in relation to the proposal, authority be delegated to the Strategic Lead - Regulatory, 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.

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 1 July 2015 detailed in Appendix 1.
- 3.3** The fares and charges applicable to taxis operating within the Dumbarton & Vale

of Leven Taxi Licensing Zone have not increased since April 2014.

4. Main Issues

4.1 A letter was sent to West Dumbarton Area Taxi Trade Association on 13 April 2016 concerning the requirement to review scales and requesting the views on a review.

4.2 On 11 May 2016 a response was received from Mr. John Watters on behalf of the West Dumbarton Area Taxi Trade Association requesting an increase on all tariffs as follows:-

Tariff 1 – Increase of 10p on flag fall

Tariff 2 - Increase of 10p on flag fall

Tariff 3 - Increase of 10p on flag fall

Tariff 4 – Increase of 20p on flag fall

Tariff 5 - Increase of 20p on flag fall

Tariff 6 - Increase of 20p on flag fall

4.3 The effects of the increase proposed by the West Dumbarton Area Taxi Trade Association are detailed in Appendix 2.

4.4 In terms of the relevant legislation, 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.

4.5 It should be noted that if representations or objections to the proposals are received, a further report on the matter would 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.

- 4.6** 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 Strategic Lead - Regulatory, 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.

6. Financial Implications

- 6.1** There are no financial implications

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 impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

- 9.1** West Dunbartonshire Taxi Trade Association were consulted in relation to the Dumbarton & Vale of Leven fare review.

10. Strategic Assessment

- 10.1** In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 18/5/16

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
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Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices:

1. Current Fare Chart for Dumbarton & Vale of Leven Taxi Licensing Zone.
2. Table showing comparison on fares for 1 mile, 2 mile and 5 mile journeys for each Tariff.

Background Papers:

1. Letter to Mr. D. Thomson dated 13 April 2016.
2. Letter to Mr. D. Thomson dated 24 May 2016.

WEST DUNBARTONSHIRE COUNCIL
Civic Government (Scotland) Act 1982
Fare Chart (Effective from 1 July 2015)
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..... For each additional 1/19th mile.....	£2.40 £0.10
Tariff Two 9.00pm to 6.00am Monday to Sunday	For a distance not exceeding ½ OF A MILE..... For each additional 1/21st mile.....	£2.90 £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..... For each additional 1/25th mile.....	£4.00 £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..... For each additional 1/23rd mile.....	£2.90 £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..... For each additional 1/25th mile.....	£3.40 £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..... For each additional 1/31st mile.....	£5.20 £0.10

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

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.

Current

	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5	Tariff 6
1 mile	3.40	4.00	5.30	4.10	4.70	6.80
2 miles	5.30	6.10	7.80	6.40	7.20	9.90
5 miles	11.00	12.40	15.30	13.30	14.70	19.20

Proposed

	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5	Tariff 6
1 mile	3.50	4.10	5.40	4.30	4.90	7.00
2 miles	5.40	6.20	7.90	6.60	7.40	10.10
5 miles	11.10	12.50	15.40	13.50	14.90	19.40

Percentage Increase

	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5	Tariff 6
1 mile	2.9%	2.5%	1.9%	4.9%	4.3%	2.9%
2 miles	1.9%	1.6%	1.3%	3.1%	2.8%	2.0%
5 miles	0.9%	0.8%	0.7%	1.5%	1.4%	1.0%

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead - Regulatory

Licensing Committee: 8 June 2016.

Subject: To finalise a proposed policy and licence conditions to regulate the use of CCTV within Taxi and Private Hire Vehicles.

1. Purpose

- 1.1** To finalise a policy and conditions in relation to the operation of CCTV in licensed vehicles with a view to protecting the public from the misuse of such systems.

2. Recommendations

- 2.1** Following amendments to the Policy and a briefing session for members It is recommended that the proposed policy and conditions contained within Appendices 1 & 2 be approved.

3. Background

- 3.1** The use of CCTV within Taxis and Private Hire Vehicles is becoming more common in the UK with many operators of such vehicles in the West Dunbartonshire area expressing an interest in installing CCTV.

4. Main Issues

- 4.1** The Licensing Team has received several enquiries in relation to the legality of installing CCTV within vehicles licensed to service the West Dunbartonshire area. In the absence of a policy and licence conditions, licensing staff have no powers to regulate the use of CCTV.
- 4.2** Operators who have sought advice on including CCTV within their vehicles have stated that they wish to utilise such systems to prevent crime, ensure the safety of the drivers and also to reduce insurance costs.
- 4.3** In order to ensure that CCTV systems are operated responsibly, ensuring that members of the public are protected so far as reasonably possible, a policy has been drafted to regulate the use of internal CCTV systems only. 'Dashcams' or other such systems which only record data outside of a vehicle are not covered by this policy.
- 4.4** At the meeting of the committee on 20 April 2016 it was decided that this matter would be continued to allow for a briefing session for members on this policy. A number of amendments to this policy were also noted. These amendments, which were not material, have now been carried out.

5. People Implications

5.1 There are no personnel issues associated with this report.

6. Financial Implications

6.1 There are no financial implications associated with this report.

7. Risk Analysis

7.1 No formal risk assessment has been carried out in relation to this report. The only perceived risk to West Dunbartonshire Council would be reputational damage if CCTV data recorded within a vehicle licensed by the authority were to be misused.

8. Equalities Impact Assessment (EIA)

8.1 There are no perceived equalities issues relating to this report. In order to arrive at this determination an equalities impact assessment was carried out.

9. Consultation

9.1 Consultation on the content of the conditions referred to in this report was carried out with representatives of the taxi trade and also with Police Scotland. No responses to the consultation were received.

10. Strategic Assessment

10.1 It is envisaged that this body of work will be in line with the following strategic priority:

- Improve the well-being of communities and protect the welfare of vulnerable people.

Head of Regulatory Services

Date: 26 May 2016

Person to Contact: Peter Clyde, Licensing Standards Officer, Council Offices Garshake Road Dumbarton G82 3PU. Peter.clyde@west-dunbarton.gov.uk 0141 951 7994.

Appendices:

1. Policy on the operation of CCTV systems within vehicles licensed by WDC.
2. Amendments to the Taxi Operators Conditions required by the Policy on the operation of CCTV systems within vehicles licensed by WDC.

Background Papers: None

Wards Affected: All.

Policy on the Installation and Operation of CCTV Systems in Licensed Taxis and Private Hire Vehicles.

1. Introduction

1.1 The aim of this document is to advise on the safe and secure installation and use of CCTV systems within taxi and private hire vehicles licensed by West Dunbartonshire Council.

1.2 In defining the standards required to operate CCTV, West Dunbartonshire Council acknowledges that these systems can enhance the safety of licensed drivers and their passengers. However it is also acknowledged that the operation of CCTV should be carried out in line with the Data Protection Act 1998 and every care and attention should be taken to ensure that these systems are not operated in an intrusive manner.

1.3 It should be noted that this policy does not place a mandatory requirement on the operators of licensed vehicles to install CCTV within their vehicles. This policy merely seeks to ensure that, should an operator choose to install CCTV, that the system is operated in a responsible manner.

1.4 For the purposes of this policy, a CCTV system is defined as any recording device attached to a licensed vehicle for the purposes of recording and retaining visual images, and/or audio data from inside the vehicle. This policy mainly covers CCTV systems which are set to record data inside the vehicle (internal system) or both inside and outside the vehicle (combined system).

1.5. Where an operator is seeking to install an external system, hereafter referred to as a 'dashcam', the contents of this policy will not apply, provided the system is used to record images from outside the vehicle only and has no audio recording function. If the dashcam is rotated at any time or modified in any way to allow for internal recording, then the contents of this policy will apply in full. Operators with dashcams are advised against uploading any footage to the internet.

1.6 Where an operator wishes to install a CCTV system it will be a condition of the operator's licence that the contents of this policy are complied with. Along with other conditions which specify various requirements of this policy, the operator must notify the licensing team of the intention to operate a CCTV system.

2.1 What is required to operate CCTV Systems in Taxis and Private Hire Vehicles?

2.1.1. This section of the policy will inform operators of licensed vehicles what is required of them in relation to operating CCTV within the vehicle only. Dashcam systems do not require to be registered with the Licensing Team at this time, provided that they fully fit the descriptions of an external only system, or dashcam, as detailed in paragraph 1.5 above.

2.1.2. Also contained in this section is guidance on the requirements of the Data Protection Act, and what responsibilities the plate holder will have to consider in order to be in compliance with this legislation. For information, the Information Commissioner (www.ico.org.uk) is the body responsible for enforcing the Data Protection Act 1998.

2.1.3. Only the Operator, e.g. the Plate Holder of a licensed vehicle is permitted to install CCTV within a licensed vehicle. A licensed driver who leases a vehicle must approach the plate holder and ask them to install and register the system with the Licensing Team. Ultimately, it is the responsibility of the licensed operator of the vehicle to ensure that, should a CCTV system be installed, the system is registered with the Licensing Team and the contents of this policy are complied with.

2.1.4. Prior to installing CCTV, the operator must inform the Licensing Team of their intention to operate a CCTV system and fill out a CCTV registration form. This form will contain details of who operates the system, who the data controller* or third party data processor** (see below) is for the system and the registration number of the system. The registration number is issued by the Information Commissioners Office once the system has been registered.

2.1.5. The installation and operation of a CCTV system should comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available at the following address:-

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_ctvfinal_2301.pdf

*** 2.2 Data Controller**

The Information Commissioner defines a "data controller" as the body or person which has the legal responsibility under the Data Protection Act 1998 (DPA) for all the images and audio which may be recorded on a CCTV system. Note that any information recorded on the system is considered to be personal data. For the purposes of the installation and operation of CCTV systems in the WDC area, the data controller will generally be the plate holder.

The data controller will be responsible for ensuring compliance with the requirements of Data Protection Act and with this policy.

****2.3 Third Party Data Processor**

A third party data processor is a company which is used for the remote storage of CCTV data. A taxi/private hire operator can choose to use such a company to act as a processor on their behalf.

There should be a formal written contract between the data controller and the company acting as the data processor. This contract should contain provisions covering security arrangements, the retention and deletion of images. A copy of the contract should be made available to an authorised officer of the Licensing Team or to the Police upon request.

3.1 GENERAL REQUIREMENTS – INSTALLATION AND OPERATION

3.1.1. As a rule, CCTV systems should not constantly record images or audio, and any recording which has been made in a vehicle licensed by WDC must never be uploaded to the internet.

3.1.2 The recording of images or audio should only occur when the system is activated via one, or a combination of circumstances, such as but not limited to:

- a. The opening of doors – to allow for the capture of images of persons who enter the vehicle.
- b. Driver's panic button – if a driver feels under threat, they can activate the system to start recording.
- c. Pre-determined G-Force parameters – the system can be set to activate based on G-Force parameters set upon one or more axis such as emergency braking, extreme acceleration or on a lateral force which may occur if the vehicle swerves or is in a collision.

3.1.3. When the system is activated by one of the above factors, the system should only be recording for a short period of time, predetermined and pre-set by the system before returning to a non-recording state. For the avoidance of doubt, systems which record continuously video and /or audio will be considered to be in breach of this policy and should never be operated in vehicles licensed by West Dunbartonshire Council.

3.2 Installation of the system

3.2.1 The CCTV system should be installed safely and securely as instructed by the equipment manufacturer's instructions by a qualified auto-electrician. All wiring should be fused and routed appropriately as set out by the manufacturer's technical specifications. All equipment should be CE marked.

3.2.2. In systems which include an internal camera(s) these camera(s) must be positioned in such a way as to only record data for the purpose of providing a safe environment for the driver and passenger(s) and not for any other purpose. To this end, the cameras should be located in such a manner which allows the recognition of any person's facial features only.

3.2.3. All equipment must be designed, constructed, installed and located in a manner and with materials as to present no danger to passengers of the driver, including impact with the equipment in the event of a collision. Also the system should be installed to minimise the danger from the electrical integrity being breached either through vandalism or wear and tear. In particular, any camera(s) and equipment must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver or passengers.

3.2.4. Finally, no part of the system should be located in any part of the vehicle which might block or affect the safe operation of any safety features of the vehicle such as seatbelts or airbag systems, nor should it obscure the driver's view of the road via the windscreen.

3.3 SECURITY OF IMAGES

3.3.1. All Images captured by the CCTV system must remain secure at all times.

The captured images must be protected using encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner that the data controller ensures that any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

3.3.2. Screens within the vehicle for the purposes of viewing captured images will not be permitted, nor should the equipment be capable of being adapted to allow for viewing within the vehicle.

3.4 RETENTION OF CCTV IMAGES

3.4.1. The CCTV equipment selected for installation must have the capability of retaining images either:

- a. within its own hard drive;
- b. Using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card; or
- c. where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS GSM telephone signalling to a secure server within the service provider's monitoring centre.

3.4.2. Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle, unless this is a fully secured, encrypted device as described in section 3.3.1

3.4.3 The CCTV system must include an automatic overwriting function, so that images are only retained within the installed storage device for a maximum period of 31 days from the date of capture.

Where a service provider is used to store images on a secure server, the specified retention period must also only be a maximum period of 31 days.

Where applicable, these provisions shall also apply to audio recordings.

3.5 USE OF INFORMATION RECORDED USING CCTV

3.5.1. Any images and audio recordings should only be used for the purposes described in this policy. Requests may be made to the nominated data controller by Authorised Officers of the Licensing Authority, the Police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or other appropriate bodies, to view captured images, or obtain audio recordings if applicable. The licence holder, as data controller, is responsible for responding to these requests. Police, Authorised Officers of the Licensing Authority or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

3.5.2 Under the Data Protection Act 1998, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'.

3.5.3 Operators of vehicles fitted with a CCTV system should be familiar with the Information Commissioner's advice on how to deal with subject access requests:-

<https://ico.org.uk/media/1542/cctv-code-of-practice.pdf> (section 5.2.3 page 17)

3.6 SIGNAGE

3.6.1 All taxis and private hire cars with CCTV must display signage within the vehicle to indicate that CCTV is in operation. The driver should also verbally bring to the attention of the passengers that CCTV equipment may be in operation within the vehicle.

3.6.2 The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out. This should also be verbally brought to the attention of the passengers.

3.7 CONTACT DETAILS

The name and the contact telephone number of the licence holder, as data controller must be included on the sign.

3.8 SIGNAGE FOR SYSTEMS WHICH INCLUDE EXTERNAL FACING CCTV SYSTEMS

Where a CCTV system is installed within the vehicle in order to also record incidents outside of the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident.

They should also be informed of the purpose for which the device has been installed, i.e. driver and passenger safety.

Conditions for Taxi Operators who install CCTV within their licensed vehicles

1. A CCTV system may only be operated in line with this policy.
2. Only the Plate Holder can authorise the installation and operation of a CCTV system within a vehicle licensed as a Taxi/Private Hire in West Dunbartonshire.
3. A plate holder **MUST** inform the Licensing Team of their intention to operate a CCTV system.
4. In line with condition 32 of the Taxi/Private Hire Licence Conditions, any change of the information relating to a CCTV system, such as but not restricted to, the named data controller of the third party data processor should be notified to the Licensing Team within 7 days.
5. CCTV systems must not be used to record conversations between members of the public.
6. If the system has audio recording capability, then this functionality should be disabled and only used with the following safeguards;
 - I. The system must have a reset function which disables the audio recording after a specific time period has elapsed.
 - II. The time period that audio recording may be active for should be the minimum possible.
7. There should be no capability for images to be viewed within the vehicle
8. The location of any internal cameras must be for the purpose of providing a safer environment and not for any other purpose.
9. The recording function may only be activated via a number and combination of options, such as but not limited to:
 - I. Door switches
 - II. Drivers panic button
 - III. Predetermined G-force parameters set on one or more axis (i.e. braking, acceleration or lateral forces)
10. Once activated, the system should only record images and audio for a short period.
11. All images captured by the CCTV system must remain secure at all times.
12. The captured images must be protected using encryption software.
13. The CCTV equipment must have the capability of retaining images either:
 - I. Within its own hard drive
 - II. Using a fully secured and appropriately encrypted detachable mass storage device.
 - III. Where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS GSM telephone signalling to a secure server.
14. Images must not be capable of being downloaded onto any kind of portable media device, such as a CD or memory stick.
15. The CCTV system must include an overwriting function which automatically deletes data after a set period. This period should not exceed 31 days.
16. Images and audio recordings may only be used for the purposes described in the CCTV policy.

17. Requests may be made to the Licence Holder by officers of the Council, Police Scotland or other statutory law enforcement officer to view footage recorded on any CCTV system for the purposes of investigating a crime. The licence holder shall provide the footage as soon as possible.
18. Any taxi or private hire vehicle which has installed a CCTV system within it shall display signage visible upon approaching the vehicle to indicate that CCTV is in operation so as to inform any person that they may be the subject of a recording.
19. The signage referred to in condition 18 must specify the name and the contact telephone number of the licence holder, as data controller, unless the licence holder has engaged another party to be the data controller.
20. Where a CCTV system is installed in order to also record incidents which occur outside of the vehicle, the driver must inform any person(s) who may have their images captured that they are being recorded.

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