

WEST DUNBARTONSHIRE COUNCIL

Report by the Head of Legal, Democratic & Regulatory Services

Licensing Committee: 6 March 2013

Subject: Scottish Government consultation on Taxi Licensing

1. Purpose

- 1.1** To inform the committee about a Scottish Government consultation on taxi licensing and to ask the committee to approve a response.

2. Recommendations

- 2.1** The committee is asked to approve the attached response.

3. Background

- 3.1** In November 2012 the Scottish Government published a consultation document entitled 'Taxi and Private Hire Car Licensing – Proposals for Change'. The closing date for responses is 15 March 2013.
- 3.2** The consultation document notes that the existing legislation works well but there is a need to tighten up some licensing processes. The aim is to make improvements rather than fundamentally review the legislation. Concerns are based around two main elements as follows:
- 3.2.1** Administration and enforcement of the current regime, in particular the variability in how the legislation is interpreted, and the difficulty of enforcement.
- 3.2.2** Criminality within the trade, in particular links to organised crime which is squeezing out legitimate trade in certain locations.

4. Main Issues

- 4.1** In general, the Scottish Government's proposals appear to be a fair and reasonable attempt at improving the current legislation. A draft response is contained in the appendix to this report. Most answers are self-explanatory but further clarification on some issues is provided below.
- 4.2** There is currently one taxi firm in West Dunbartonshire that takes bookings using a telephone-based call handling system that is not dependent on having a premises-based booking office. The firm therefore doesn't need to have a taxi booking office licence. This appears to be an anomaly that would be addressed by the Scottish Government's proposed change (see Q8 in the appendix).

- 4.3** The alcohol licensing legislation is based around five national licensing objectives which form the heart of the decision-making processes adopted by the Licensing Board. Those objectives are (i) preventing crime and disorder, (ii) securing public safety, (iii) preventing public nuisance, (iv) protecting and improving public health, and (v) protecting children from harm. The Scottish Government proposes to introduce national licensing objectives for taxi and private hire licensing (see Q11/12). Although it can be useful to highlight the underlying purposes behind any licensing regime, I would not be in favour of any change from the current test which is that a licence holder should be a “fit and proper person” to hold a licence.
- 4.4** The consultation asks whether there is sufficient access to taxis for disabled customers (Q18). Members will be aware that all taxis in the Clydebank zone are wheelchair accessible vehicles (WAVs) but only eight taxis in the Dumbarton & Vale of Leven taxi licensing zone (just over 5% of the total) meet this standard. There were 11 WAVs operating in that zone in 2006 when the last formal demand survey was carried out and the report recommended a minimum of 23 WAVs in the Dumbarton & Vale of Leven zone. In January 2007 the licensing committee agreed to move towards a fully wheelchair-accessible fleet by requiring that “saloon vehicles (be) replaced by accessible vehicles when they reach the maximum permitted age”. However in December 2009 the committee agreed to retain the status quo on condition that should a “substantial number of complaints be received by the Council’s Licensing Section concerning the availability of wheelchair accessible vehicles, the matter would be referred to a future meeting of the Committee”. The licensing team has only received one such complaint, however an analysis of access for disabled people in the Dumbarton & Vale of Leven zone will inevitably form part of the next formal review of demand for taxis.

5. People Implications

- 5.1** There are no people implications.

6. Financial Implications

- 6.1** West Dunbartonshire Council has sufficient enforcement capability within the Licensing Team so the consultation’s recommendation about paying for enhanced enforcement by increasing fees would not affect us.

7. Risk Analysis

- 7.1** There are no increased risks associated with this report.

8. Equalities Impact Assessment (EIA)

- 8.1** An impact assessment is not required because the report does not relate to a new policy or function or significant changes to a policy or function, or a financial decision.

9. Consultation

9.1 No consultation with the public was carried out when writing this report.

10. Strategic Assessment

10.1 Improve economic growth and employability: The taxi trade is a large employer in West Dunbartonshire and this review of the legal framework should not have any negative impact on the economic viability of that trade.

Improve the wellbeing of communities and protect the welfare of vulnerable people: This review should improve the legal protection afforded to people who travel by taxi or private hire car.

Head of Legal, Democratic & Regulatory Services
Date: 20 February 2013

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Appendices:	Consultation Questionnaire - Taxi and Private Hire Car Licensing
Background Papers:	Taxi and Private Hire Car Licensing – Proposals for Change, Scottish Government, November 2012 West Dunbartonshire Taxi Study, TRi Taxi Study Group, April 2006
Wards Affected:	All