

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
TAXI & PRIVATE HIRE CAR LICENSING  
BEST PRACTICE FOR LICENSING AUTHORITIES  
DRAFT CONSULTATION PAPER**

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## **1.0 SUMMARY**

**1.1** Transport Scotland has issued draft revised best practice guidance for licensing authorities for taxi and private hire car licensing and seeks comments on the draft guidance. The draft guidance can be accessed at <http://www.scotland.gov.uk/Publications/2011/03/22134908/0> . The comments are to be submitted by 17 June 2011.

The Scottish Government first issued best practice guidance in December 2007. The revised draft guidance updates the earlier advice and reflects legislative changes that have taken place since 2007.

## **2.0 RECOMMENDATIONS**

**2.1** Members are asked to note the terms of the draft guidance and agree:

- (a) That no comments are required in respect of the consultation;:
- (b) That a further report be placed before the Committee in relation to accessibility issues and security issues;
- (c) That applicants from countries other than the UK be required to produce a certificate of good conduct authenticated by the relevant embassy;
- (d) That applicants requiring insulin treatment for diabetes provide evidence of satisfying C1 medical standards
- (e) That a complaints procedure be published on the Council's web site.

## **3.0 BACKGROUND**

**3.1** The Scottish Government issued best practice guidance in 2007 with the aim of providing best practice for local authorities on a range of licensing issues in relation to taxi and private hire car licensing. The updated guidance has been produced following consultation with local authorities, the Scottish Taxi Federation and other stake holders.

### 3.2 The guidance deals with the following issues –

3.2.1 **Accessibility** - It refers to the powers local authorities have to maintain a list of designated wheelchair accessible taxis and private hire cars in their areas and for drivers of vehicles so designated to apply for exemption from these duties. Argyll and Bute Council do not currently maintain such a list. It is recommended that this be considered at the time for preparation for renewal of taxi and private hire car licences in 2012.

3.2.2 **Vehicles** – The guidance gives advice on the specification of types of vehicles that may be licensed. Currently Argyll and Bute licensing conditions state that the following vehicles can be approved:-

- (a) FX4, Metro cabs or similar vehicles purpose built for use as taxis
- (b) 4 door saloon, 5 door hatchback or estate cars of a size acceptable to the Council. Without prejudice to the foregoing generality any such vehicle shall have a rear seat of at least 51 inches in width
- (c) People carriers or multi purpose vehicles( MPV) which are after inspection considered suitable for their intended purpose
- (d) Such other vehicles as may be approved by the licensing authority from time to time

Where a hatchback or estate car is used the rear parcel shelf shall be kept in place or a satisfactory secure device shall be fitted to prevent luggage travelling from the luggage compartment into the passenger compartment in the event of a sudden stop or accident

It is recommended that this remain the case as it gives the Licensing Authority the opportunity to consider approval of a vehicle type not on the list which gives greater flexibility as suggested in the guidance.

3.2.3 **Vehicle Testing/Security and identification** – The guidance gives advice on vehicle testing. At the meeting of PPSL on 20 April 2011, members agreed the procedure for vehicle testing. The guidance states that annual testing is best practice. This is in accordance with the policy followed by this Council.

It is recommending licensing authorities to actively encourage security measures to protect drivers. It is recommended that operators be advised of this at the time of renewal in 2012.

The legislation states that it is important that members of the public can clearly distinguish between private hire cars and taxis. The conditions on licences issued by this licensing authority relating to advertising should address this.

3.2.4 **Environmental Considerations** – The draft guidance states that local authorities should consider how far their vehicle licensing policy can and should support any local environmental policies that may have been adopted. It is suggested that authorities may wish to consider the inclusion of eco friendly vehicles in their approved vehicle list. A further report will be placed before the Committee in due course on this issue.

3.2.5 **Licensing of Stretch Limousines and Other Special Events Vehicles, Airport Transfers etc** – The guidance states that licensing authorities should consider applications on their individual merits and to adopt in liaison with police a pro-active approach to the question of specification of vehicles on which a licence is required under the 1982 Act. It is recommended that this advice be noted.

3.2.6 **Quantity Restrictions of Taxi Licences** – The draft guidance gives advice on quantity restrictions for taxis as set out in Section 10(3) of the 1982 Act. This committee currently considers all applications for taxi licences and it is recommended that this continue.

3.2.7 **Taxi Fares** – The guidance gives advice on how to carry out taxi fare reviews.

3.2.8 **Licensing of Booking Offices** – The guidance details the steps local authorities are required to follow when issuing licences for booking offices.

3.2.9 **Duration of Drivers Licences** – The guidance states three years is the legal maximum period for drivers licences and is in general the best approach. It does, however, go on to say that it can be good practice to offer the choice of an annual licence or a 3 year licence. Argyll and Bute Council issue taxi driver licences for 3 years and it is recommended this continue. There has not been any demand made known to be licensing authority for an annual licence.

3.2.10 **Criminal Record Checks** – The guidance details the position in relation to consideration of criminal records. It is suggested ideally local authorities will want to have a clear policy for consideration of criminal records. It is recommended that this Council continue to consider each case on its merits.

It also suggests that local authorities will want to consider a policy on applications from elsewhere in the EU and other overseas countries. It is recommended that this licensing authority require a certificate of good conduct authenticated by the relevant embassy.

3.2.11 **Age Policy and Medical Fitness** – The guidance states it does not seem necessary to have a maximum age limit. Argyll and Bute Council do not have a maximum age.

The guidance notes that it is common, as this Council does, for Scottish local authorities to apply Group 2 medical standards – applied by DVLA to the licensing of lorry and bus drivers – to applications for taxi and private hire car drivers. It recommends to apply the C1 standards to taxi/private hire drivers with insulin treated diabetes.

The guidance also refers to driver's experience, driving proficiency and training. This authority does not require drivers to do further tests.

#### **4.0 ENFORCEMENT**

The guidance deals with enforcement issues. Strathclyde Police carry out the enforcement in Argyll and Bute.

#### **5.0 FLEXIBLE TRANSPORT SERVICES**

Information is given on taxi buses.

#### **6.0 COMPLAINTS PROCEDURE**

It is suggested that it is good practice to publish, on the web site, details of the local authority's procedure for dealing with complaints from members of the public. It is recommended that this information be included in the licensing section of the web site.

#### **7.0 CONCLUSION**

The Committee be asked to note the terms of this report and agree the recommendations.

#### **8.0 IMPLICATIONS**

Policy: Nil

Financial: Nil

Personnel: Nil

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