

ANNEX C: CONSULTATION QUESTIONNAIRE



Taxi and Private Hire Car Licensing

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Argyll and Bute Council

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

<input type="text"/>		
Postcode	Phone	Email

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate x Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate x Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

CONSULTATION QUESTIONS

Please provide examples/evidence for your answers. Of particular interest will be information on the impact to business and regulators as a result of proposed changes including information on the additional costs of any changes proposed, the impact on competition and impact on micro and small businesses. Solutions to mitigate any negative impacts are also welcome.

1. Should local authorities have the power to restrict numbers of private hire cars?

Yes No

2. What issues would arise from allowing local authorities to restrict numbers of private hire cars and how could these be resolved? For example, would consideration need to be given to setting percentages for certain vehicle types?

3. Training:

(a) Is it necessary to specifically allow local authorities to require training of private hire drivers? What evidence is there of local authorities already doing this with their current powers?

(b) What might that training include? Should this be specified in legislation?

4. What alternative options are there – legislative or non-legislative – that could improve the process of justifying a restriction on numbers of vehicles (taxis and/or private hire cars)?

5. Inclusion of contract work in licensing:

a) How would the inclusion of contract work within licensing affect:

- i) Those tendering and awarding contracts?**
- ii) Licensing authorities?**
- iii) Those providing driving services which are currently unlicensed?**
- iv) Passengers using a contracted service?**

b) How could issues be resolved?

There would be an increased workload if vehicles and drivers used on contract were included, The benefit would be that all vehicles and drivers would be to same standard. The disadvantage would be that the standards might be covered by contract and tendering processes

6. Are there any issues that need to be considered with reference to operations not run for profit? (Such as voluntary transport arrangements that are run basically as charitable activity, which will continue to be excluded from licensing.)

Commercial operators may consider that this places operations not run for profit at an advantage

7. Updating licensing conditions:

(a) Would the use of a combination of mandatory and recommended conditions achieve an appropriate balance between national consistency and local context?

(b) Do different levels of licence (driver, vehicle, booking office) require a different combination of mandatory and recommended conditions?

(c) What issues of national concern could be included in a set of mandatory conditions?

(d) Who should be involved in this work? (Please also indicate if you would be willing to be involved).

Authorities should be able to decide on appropriate conditions for their area.

8. Is the extension of the Booking Office Order a proportionate response to concerns at some companies circumventing this layer of licensing?

Yes

9. What specific measures would assist the enforcement of a licensing regime that covers businesses using mobile/smart phone technology?

No comment

10. Role of police:

a) How might the role of the police within the 1982 Act be refocussed?

b) What would be an appropriate timeframe for police to respond to a request for information?

c) How well defined should the information be that they should submit?

The police should have a specific duty to object where applicant has relevant convictions or if they concerns in relation to an application such that they consider applicant not a fit and proper person within 14 days of being notified of the application.

The information should be in a form that can be copied to the applicant and to Members when considering the application

11. Licensing objectives:

a) Is the introduction of statutory licensing objectives a useful tool for local authorities?

b) Who should be involved in the creation of the licensing objectives?

It would be in keeping with Licensing(Scotland) Act and Gambling Act.
A working party should be formed to consider the objectives

12. Should one set of licensing objectives apply to all Civic Government regimes or be specific to taxi and private hire car licensing?

Yes

13. Guidance on licence application process:

a) Is guidance an appropriate response to this issue?

b) Are there other elements this specific guidance should cover?

c) Should a power be introduced to the 1982 Act (similar to the Licensing (Scotland) Act 2005) to make regulations on hearings procedures?

a)Guidance is the appropriate response.
b) Guidance should include advise in relation to non conviction information and information in relation to criminal history of people who have spent time outwith the UK
c)Good practice guidance in relation to hearings rather than Regulations would be useful

14. Do you agree improved Best Practice Guidance is required?

Yes

15. Requiring applicant for any level of licence (driver, vehicle, booking office) to prove they are 'fit and proper':

(a) What would be the effects on the system of requiring applicants to prove they are 'fit and proper'?

(b) What would be a suitable set of requirements for applicants to meet?

(c) Who would be responsible for setting these?

This would be difficult to operate in practice. Detailed consideration would require to be given as to what would be a suitable set of requirements involving all stakeholders

16. Develop licensing policy network:

(a) Who should be part of this network?

(b) Could this network be used to share information on licence refusals, suspensions and revocations?

(c) What format could a policy network take? E.g. physical meetings, shared web space?

- a) All local authorities
- b) Yes subject to restrictions in terms of Data Protection Act
- c) Physical meetings

17. Taking into account the proposals on the Booking Office Order, updated conditions and contract work and proposals on the licence application process, do you think that these will assist in tackling the presence of organised crime in the industry?

Yes

18. Is there sufficient access for disabled people to taxi and private hire car services? What would make it easier for everyone to access taxis or private hire cars?

A survey would need to be carried out to establish this

19. What measures or support could be implemented that would increase the availability of wheelchair accessible taxi and private hire vehicles, particularly outside of Scotland's cities?

If survey showed there was insufficient availability policy could be considered in relation to granting of licence to wheelchair accessible

vehicles

20. As well as the specific requirements in relation to taxis and private hire vehicles in sections 160 to 173, the Equality Act 2010 places a general duty on public bodies such as local authorities to advance the equality of opportunity of disabled people. Do you believe that this has had an effect on the provision of wheelchair accessible taxi and private hire vehicles?

Yes

21. Are there any other issues related to taxi and private hire car licensing for people who share other protected characteristics under the Equality Act 2010 (age, race, religion or belief, sex, sexual orientation, gender reassignment, pregnancy or maternity)?

None

22. Statutory Licensing Enforcement Officer:

a) How would a statutory requirement for local authority enforcement officers work in the context of Civic Government licensing?

b) What would be the potential pitfalls?

In a rural area it would be expensive to have enforcement officers and the cost would require to be funded from the fees recovered.

23. Are there other solutions to creating increased enforcement/compliance capacity e.g. taxi marshals at night. Who should provide/pay for these?

In a rural area the number required would make the cost prohibitive

24. Do you know of licensing authorities that currently licence special events vehicles under the 1982 Act?

Yes

25. What prevents those authorities who don't licence special events vehicles from doing so?

We do not consider we are preventing from doing so

26. Does this issue require a national response and why?

No

27. What form should a national response take?

N/A

28. What effect, if any, would the proposal to bring contract work within the taxi and private hire car licensing regime have on the operation of special event vehicles?

May include some vehicles currently exempt. Might also cause delays in rural areas.

29. How would the weddings exemption within the 1982 Act affect any attempt to specifically licence special events vehicles?

The exemption would still apply unless Act amended

30. Do you have any other information or comments related to taxi and private hire car licensing not covered in the consultation document?

No