

REPORT TO: LICENSING COMMITTEE - 1ST OCTOBER 2009
REPORT ON: LICENSING OF TAXI AND PRIVATE HIRE CAR BOOKING OFFICES
REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)
REPORT NO: 431-2009

1.0 PURPOSE OF REPORT

1.1 To advise the Committee of the introduction of a mandatory scheme for taxi and private hire car booking offices, to agree conditions to be attached to licences and to fix an appropriate fee for applications.

2.0 RECOMMENDATIONS

2.1 That the Committee notes the introduction of the new scheme for the licensing of taxi and private hire car booking offices;

2.2 That the conditions listed in APPENDIX I to this report be approved as the mandatory conditions to be attached to licences issued under the scheme;

2.3 That a report be submitted to the meeting of the Committee in January 2010 following consultation with the Taxi Liaison Group as to additional local conditions to be attached to licences;

2.4 That the fee for applications for licences be fixed at £110 for a one year licence.

3.0 FINANCIAL IMPLICATIONS

3.1 In terms of Paragraph 15 of Schedule I to the Civic Government (Scotland) Act 1982, the Council is legally obliged to recover its costs in administering the licensing scheme through the fees received. There should, therefore, be no financial implications for the Council in the introduction of the scheme for the licensing of taxi and private hire car booking offices.

4.0 BACKGROUND

4.1 On 2nd April 2009, the Scottish Parliament approved the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009. This provides that, as from 16th November 2009, a licence will be required for "the use of premises for the carrying on of a business which consists to any extent of the taking of bookings, by any means of communication, from members of the public for the hire of" taxis and private hire cars. No licence is required where less than 3 vehicles operate from the premises in question.

4.2 From 16th November 2009, it will be an offence to carry on a booking office business without a licence. Existing booking offices must apply for a licence before that date and they will then be allowed to operate until their application is determined by the Committee.

4.3 Mandatory national conditions have been prescribed in the 2009 Order and these are shown in APPENDIX I to this Report. These must be attached to all licences issued. Additional local conditions to be attached to licences are currently being discussed with the Taxi Liaison Group. It is intended that the Group make recommendations in this regard following its next meeting in December 2009 and a further report be submitted to the Committee in January 2010.

4.4. The licences will relate to premises and it is the Committee's policy for licences for premises to be granted for one year. It is anticipated that the administration involved will be similar to the processing of Second Hand Dealer's Licences and other premises - based licences and it is recommended that the same fee (£110) be fixed.

5.0 POLICY IMPLICATIONS

5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6.0 CONSULTATIONS

6.1 The Chief Executive, the Head of Environmental Health and Trading Standards, the Head of Transportation, the Chief Constable and the Taxi Liaison Group have been consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

7.1 The Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009.

Date: 22nd September 2009

Patricia McIlquham
Depute Chief Executive (Support Services)

APPENDIX I

TAXI AND PRIVATE HIRE CAR BOOKING OFFICE LICENCE

CONDITIONS

1. A record shall be kept of every booking for the hire of a relevant vehicle taken at the relevant premises;
2. The record provided for by Condition 1 above shall contain -
 - (a) the registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
 - (b) the name of its driver at the time of that hire.
3. The holder of the licence shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a relevant vehicle results in the hire of a vehicle which is -
 - (i) a relevant vehicle; and
 - (ii) being driven by a person who holds a licence granted under section 13 of the Act and that licence is in effect.