

REPORT TO: LICENSING COMMITTEE - 14TH JANUARY 2010

REPORT ON: TAXI AND PRIVATE HIRE CAR BOOKING OFFICE LICENCES -
CONDITIONS

REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)

REPORT NO: 41-2010

1.0 PURPOSE OF REPORT

- 1.1 To obtain the Committee's approval of a set of standard local conditions to be attached to Taxi and Private Hire Car Booking Office Licences ("Booking Office Licences").

2.0 RECOMMENDATIONS

- 2.1 That the Committee approves the list of standard local conditions contained in APPENDIX 3 to this Report.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from the contents of this Report.

4.0 MAIN TEXT

- 4.1 Reference is made to Report 431-2009 which was considered at the meeting of the Committee on 1st October 2009. The Committee noted the introduction from 16th November 2009 of the requirement for taxi and private hire car booking offices to be licensed under the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009, together with the terms of the mandatory conditions which must be attached to all Booking Office Licences. These conditions are shown at Part I of APPENDIX 1 to this Report. In addition, the Committee deferred consideration of a list of additional local licence conditions pending further consultation with the Taxi Liaison Group. The original list of these conditions is in Part II of APPENDIX 1 to this Report.
- 4.2 The proposed local conditions were discussed at a meeting of the Taxi Liaison Group on 11th December 2009 when there was broad support from the Dundee Taxi Association, the T & G Unite Union and the Dundee Hackney Association for the conditions. However, the representatives from taxi and private hire car offices expressed some concerns and an earlier letter from them in this regard is attached at APPENDIX 2.
- 4.3 In light of the comments received, some minor changes are proposed to the original list of standard local conditions. These are shown at APPENDIX 3 to this Report. The only condition which it is proposed be deleted entirely is Condition 5. It is recognised that this would effectively impose strict liability upon the licence-holder for the actings of its servants, agents or lessees even where the licence-holder may have no knowledge of these actings or even where it has prohibited them. Conditions 7 and 11 already deal with similar matters, and the Committee retains the power to suspend the licence if satisfied that the licence-holder is no longer a fit and proper person to hold the licence. A suggestion has also been received from the Dundee Taxi Association to include a condition prohibiting the operation of non-Dundee licensed vehicles from premises holding Booking Office Licences issued by the Council. It would, of course, be open to applicants to seek to persuade the Committee not to apply this or any of the other conditions when their application is being considered.

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 Director of Finance, 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 8 January 2010

Patricia McIlquham
Depute Chief Executive
(Support Services)

APPENDIX 1**TAXI AND PRIVATE HIRE CAR BOOKING OFFICE LICENCE****ORIGINAL CONDITIONS****PART 1**

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.

PART II

4. The licence holder or persons authorised by them, must be in charge of the premises at all times and must not be engaged in duties which might prevent the exercising of general supervision of the premises.
5. The licence holder shall be liable for any act or omission of their servants, agents or lessees in the contravention of, or non-compliance with, any of these conditions.
6. The licence holder shall ensure that the premises are covered by an adequate policy of Third Party Liability Insurance with a reputable company and shall exhibit to the Council, on demand, evidence that the premises in respect of such policy have been timeously paid.
7. The licence holder shall ensure that the relevant premises are not used for any illegal or otherwise unlawful purpose.
8. The licence holder shall ensure that the relevant premises is kept in a clean and tidy condition.
9. The licence holder shall produce a policy or procedure for dealing with complaints from members of the public and from persons whose bookings have not been accepted or fulfilled. The licence holder shall ensure that all staff are aware of this policy or procedure.
10. The licence holder shall keep a record of all complaints made and how they were dealt with.
11. The licence holder shall not ask or knowingly allow the driver or operator of a taxi or private hire car made available for hire from the relevant premises to do anything which would result in him/her committing a breach of the conditions attached to their licence.
12. The records detailed in Conditions 1, 2, 9 and 10 above, may be kept electronically, but the licence holder shall ensure that there is a printed version kept within the premises at all times.
- 13.(1) The licence holder shall keep at the premises specified in this licence a record, containing the particulars set out in paragraph (2), of each taxi or private hire car which is available to him for carrying out bookings accepted by them at those premises.

(2) In relation to each vehicle the particulars referred to in paragraph (1) are -

- (a) the make, model and colour;
- (b) the registration mark;
- (c) the name and address of the registered keeper;
- (d) a copy of the vehicle's taxi or private hire car licence;
- (e) in the case of a vehicle to which Section 47 of the Road Traffic Act 1988 applies, a copy of the current MOT test certificate;
- (f) a copy of the current certificate of insurance or certificate of security;
- (g) the date on which the vehicle became available to the licence holder
- (h) the date on which the vehicle ceased to be so available.

14.(1) The licence holder shall keep at the premises specified in this licence a record, containing the particulars set out in paragraph (2), of each driver who is available to them for carrying out bookings accepted by them at those premises.

(2) In relation to each driver the particulars referred to in paragraph (1) are:-

- (a) his surname, forenames, address and date of birth;
- (b) his national insurance number;
- (c) a photocopy of his driving licence;
- (d) a copy of his taxi or private hire car driver's licence;
- (e) the date on which he became available to the licence holder, and
- (f) the date on which he ceased to be so available.

Tay Taxis

Registered Office: Tay House 97 Clepington Road
 Dundee DD4 7DF
 Office Tel/Fax No: 01382 459303
 e-mail: tay-taxis@hotmail.com
 Registered in Scotland No. 308551



SUPPORT SERVICES

GH

22 SEP 2009

21 September 2009

Mr Brian Woodcock
 Dundee City Council
 21 City Square
 DUNDEE
 DD1 3BY

RECEIVED

Dear Sir

We refer to your letter dated 8 September 2009 and would reply as follows. Your numbered paragraphs refer.

Appendix 1 Part I

1-3 After a meeting with all Offices due to be licensed by Dundee City Council (Tay Taxis, Tele Taxis, 505050 and 203020) we have no disagreement whatsoever on all sections of Appendix 1 Part 1.

Appendix 1 Part II

- 4 We do not agree with this statement. Directors already designated to run Taxi Offices. Prior notice for unsocial hours would have to be given as in any other Company set up, i.e. Dundee City Council.
5. Employers already have Company Conditions. Taxi Badge and Licence Holders have already signed up to Terms and Conditions laid down by Dundee City Council. This could lead to entrapment of all offices.
6. This Condition is already in place.
7. Taxi Offices are controlled by Directors and no way would they be used for any illegal or unlawful purposes.
8. Refer to Item 4.
9. A complaints practice is already in place but we will adopt any reasonable suggestion which is not time consuming or costly to the Companies.
10. Refer to Item 9.
11. This is already in place with Badge and Operators Licence Conditions.
12. Electronic back up is suffice as agreed by the Offices in Part I, Item 2. A printed version is inadequate as subject to constraints of each computer system and would also be an environmental issue.

/...

13.(1) Refer to Item 12.

13.(2)(a-h) There is no need for these Items due to these already in place between Support Services and Police.

14.(1) Agreed as in Appendix I Part I.

14(2)(a) Already in place.

14.(2)(b-f) Outwith office jurisdiction as it is not a Condition of the Operators Licences.
Refer to Part I Appendix I, Items 2 (a-b). These answer these sections.

We would also request a consultation meeting at your earliest convenience due to the seriousness of these Conditions and look forward to hearing from you as soon as possible.

Yours faithfully
For TAY TAXIS



G HARRIS
Director

APPENDIX 3

TAXI AND PRIVATE HIRE CAR BOOKING OFFICE LICENCE

PROPOSED CONDITIONS

PART 1

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.

PART II

4. The licence holder or persons authorised by them, must be in charge of the premises at all times **whilst being used for taking bookings..**
5. The licence holder shall ensure that the premises are covered by an adequate policy of Third Party Liability Insurance with a reputable company and shall exhibit to the Council, on demand, evidence that the premises in respect of such policy have been timeously paid.
6. The licence holder shall ensure that the relevant premises are not used for any illegal or otherwise unlawful purpose.
7. The licence holder shall ensure that the relevant premises is kept in a clean and tidy condition.
8. The licence holder shall produce a policy or procedure for dealing with complaints from members of the public and from persons whose bookings have not been accepted or fulfilled. The licence holder shall ensure that all staff are aware of this policy or procedure.
9. The licence holder shall keep a record of all complaints made and how they were dealt with.
10. The licence holder shall not ask or knowingly allow the driver or operator of a taxi or private hire car made available for hire from the relevant premises to do anything which would result in him/her committing a breach of the conditions attached to their licence.
11. The records detailed in Conditions 1, 2, 9 and 10 above, may be kept electronically, but the licence holder shall ensure that there is a **facility available for providing a printed extract upon request by an authorised officer of the Council or a Constable.**
- 12.(1) The licence holder shall keep at the premises specified in this licence a record, containing the particulars set out in paragraph (2), of each taxi or private hire car which is available to him for carrying out bookings accepted by them at those premises.

(2) In relation to each vehicle the particulars referred to in paragraph (1) are -

- (a) the make, model and colour;**
- (b) the registration mark;**

13.(1) The licence holder shall keep at the premises specified in this licence a record, containing the particulars set out in paragraph (2), of each driver who is available to them for carrying out bookings accepted by them at those premises.

(2) In relation to each driver the particulars referred to in paragraph (1) are:-

- (a) his surname, forenames, address and date of birth;**
- (b) the date on which he became available to the licence holder, and**
- (c) the date on which he ceased to be so available.**

14. The licence holder shall ensure that only relevant vehicles licensed by the Council operate from the premises.