



MINUTE OF MEETING of the REGULATORY COMMITTEE held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 4 JULY 2013 at 10.00 am.

PRESENT

Councillor Derek Stewart (In the Chair)
Councillor Les Sharp
Councillor Kenneth Earle
Councillor Ellen Forson
Councillor Alastair Campbell
Councillor Kathleen Martin

IN ATTENDANCE

Mark Easton, Solicitor, Clerk to the Committee
Ian Doctor, Service Manager, Regulatory Services Manager
Alastair MacKenzie, Team Leader, Licensing and Building Standards
June Andison, Licensing Administrator
Anne McPherson, Business Support Officer
Paul Fair, Civic Licensing Enforcement Officer
Louise Hamilton, Conveyancing Paralegal (Minutes)

RC.13/24 APOLOGIES

Apologies for absence were received from Councillor Walter McAdam, MBE (Convenor) and Councillor Irene Hamilton. In the absence of the Convenor (Councillor Walter McAdam), the meeting was chaired by the Vice Convenor (Councillor Derek Stewart).

RC.13/25 DECLARATIONS OF INTERESTS

None.

**RC.13/26 CIVIC LICENSING REVIEW - TAXI AND PRIVATE HIRE
CAR AND DRIVERS**

A report submitted by the Regulatory Services Manager asking the Committee to consider the introduction of new Taxi and Private Hire Car (PHC) driver and operator licensing conditions for Clackmannanshire Council and to establish a customer/user focussed regime for Civic Licensing in Clackmannanshire which will be robust, transparent and includes an accountability, monitoring and enforcement policy

Attending

Ian Doctor, Regulatory Services Manager
Alastair MacKenzie, Team Leader, Licensing and Building Standards

All licence holders were invited to attend at the Committee. A list of those Licence holders present who also made submissions is listed as Appendix 1 to this Minute.

The Clerk provided an explanation of the procedures for the benefit of the licence holders present.

The Committee heard submissions from Mr Ian Doctor, Regulatory Services Manager and Mr Alastair MacKenzie, Team Leader Licensing and Building Standards.

Mr MacKenzie informed the committee of typographical errors in the report and also presented 5 amendments to the Report.

Motion

That the Committee consider each amendment in turn and vote on these items as separate amendments. Having considered and approved (or otherwise) each of the amendments, the recommendations set out in the report would then be put to the licence holders in order to comply with the provisions of paragraph 10 of Schedule 1 of the 1982 Act.

Moved by Councillor Earle. Seconded by Councillor Martin.

Decision

The Committee agreed this approach unanimously.

The Committee continued to consider each of the amendments.

Amendment 1

In the standard conditions for Taxi and Private Hire car operators at paragraph 1.1 there should be the addition of a new sub paragraph after (2):

"or

(3) Any other vehicle assessed by the Licensing Authority as suitable for the use as a taxi or private hire car."

Moved by Councillor Earle. Seconded by Councillor Martin

Decision on Amendment 1

Having considered the view of each of the licence holders present at the meeting, the Committee agreed unanimously to support Amendment 1.

Amendment 2

In the standard conditions for Taxi and Private Hire car operators at Paragraph 8 which relates to the drivers Log, remove paragraphs 8.1 and 8.2 and replace with the following paragraphs 8.1 and 8.2

"List of Drivers and Drivers Log

- 8.1 A Taxi or Private Hire Car Operator shall maintain a current list of the names and addresses of drivers employed by her or her, and shall produce this on request to a Police Officer or Authorised Officer.
- 8.2 A Taxi or Private Hire Car Operator will maintain and keep an accurate record of the driver of the licensed vehicle at all times. This record must be completed by the operator and must contain the following information:
- vehicle registration number;
 - plate number;
 - date/time driver took control of vehicle (if applicable);
 - date/time driver handed over vehicle (if applicable);
 - drivers name;
 - drivers address; and
 - drivers taxi/private hire car licence number.

The drivers log must be retained for at least 12 months and must be made available to a Police Constable or Authorised Officer at any reasonable time.

A drivers log may be kept in either written or electronic form as long as it contains the information required above.

Owners/Operators who operate a single Taxi or single Private Hire Car that is only driven by a single named driver are not required to keep a drivers log.

Moved by Councillor Earle. Seconded by Councillor Martin

Decision on Amendment 2

Having considered the view of each of the licence holders present at the meeting, the Committee agreed unanimously to support Amendment 2.

Amendment 3

In the standard conditions for Taxi and Private Hire Car drivers at Paragraph 16 which relates to the use of the taxi meter, the addition of a paragraph 16.2 in the following terms:

"16.2 Notwithstanding the terms of condition 16.1 the driver and/or operator of a taxi shall be entitled to charge such a fare for a journey pre-booked by telephone and as is agreed between the driver and the passenger subject to the provisions set down in the fare scales set by the Licensing Authority. The meter must remain switched on throughout these journeys to demonstrate to the passenger that the fare scales have not been exceeded."

The numbering of the existing paragraphs 16.2, 16.3 and 16.4 should be amended respectively to 16.3, 16.4 and 16.5.

Moved by Councillor Earle. Seconded by Councillor Martin

Decision on Amendment 3

Having considered the view of each of the licence holders present at the meeting, the Committee agreed unanimously to support Amendment 3.

Amendment 4

Proposal to replace the existing terms of paragraph 3.2 of the Standard Conditions of Drivers with the following paragraph:

"3.2 The driver of a Taxi or Private Hire Car on the initial application, or on first renewal of his/her licence after attaining the age of 50 will require to submit to Clackmannanshire Council a pro forma medical certificate at the time of making the relevant application. He/she shall require to submit medical certificates every 5 years thereafter until attaining the age of 65, whereupon he/she shall require to renew his/her taxi driver's licence and submit medical certificates annually thereafter."

Councillor Alastair Campbell put forward the proposal that the Standard Conditions for Drivers remain unchanged being a medical on initial application and thereafter attaining the age of 55 and intervals of 6 years as more particularly set out in the paper and that Amendment 4 be rejected.

Moved by Councillor Campbell. Seconded by Councillor Sharp.

Voting on the Amendment 4

For the Amendment	0 votes
Against the Amendment	6 votes

Voting on the Proposal

For the Proposal	6 votes
Against the Proposal	0 votes

Decision on Amendment 4

Accordingly, Amendment 4 was unanimously defeated, and the Proposal that the paper remain unchanged was unanimously agreed.

Amendment 5

The addition of annexe 2 containing the specification of the Private Hire Car Door sign, referred to in Paragraph 17.6(b) of the Taxi Private Hire Care Operators Standard Conditions to reflect a change of design of the door sign permitting the inclusion of the business operators telephone number in a centralised position below the words "Pre Booked Hire Only".

Moved by Councillor Earle. Seconded by Councillor Martin

Decision on Amendment 5

Having considered the view of each of the licence holders present at the meeting, the Committee agreed unanimously to support Amendment 5.

Consideration of the Amended Paper

In accordance with paragraph 10 of Schedule 1 to the Civic Government (Scotland) Act 1982, representations were taken from the Licence Holders present as per Appendix 1 of this Minute. The following representations were submitted.

Name	Comment
Colin Hood	<p>Representations were made in respect of vehicle signage. The licence holder was content with this proposed condition having been advised that an exception would apply to taxi's which had a built in illuminated sign as opposed to the prescribed signage of the licensing authority.</p> <p>Representations were also made in respect of the options appraisal for the imposition of medical testing. The main objection to Option A was the requirement for DVLA Group 2 Medical Examinations being carried out.</p> <p>Mr Mackenzie explained that the proposal was not to introduce the medical test, but to apply the standards.</p> <p>Mr Hood provided a copy of Falkirk Council's application form and the standards accepted. This was circulated to Committee members and all licence holders.</p> <p>The Committee were of the view that this would be an appropriate form of certificate as an alternative to the options appraisal proposed.</p>
Michael Barr	Having had the opportunity to comment on the proposed amendments, the licence holder had no further comments on the variations to the conditions.
Bramley Eccles	Having had the opportunity to comment on the proposed amendments, the licence holder had no further comments on the variations to the conditions.
Thomas Rogers	Having had the opportunity to comment on the proposed amendments, the licence holder had no further comments on the variations to the conditions.
Diane Shepherd	Having had the opportunity to comment on the proposed amendments, the licence holder had no further comments on the variations to the conditions.
Andy Mackay	Having had the opportunity to comment on the proposed amendments, the licence holder had no further comments on the variations to the conditions.
Steven Baird	Having had the opportunity to comment on the proposed amendments, the licence holder had no further comments

	on the variations to the conditions.
Heather Buchan	Having had the opportunity to comment on the proposed amendments, the licence holder had no further comments on the variations to the conditions.
William Buchan	Having had the opportunity to comment on the proposed amendments, the licence holder had no further comments on the variations to the conditions.
Stanley Stuart	Having had the opportunity to comment on the proposed amendments, the licence holder had no further comments on the variations to the conditions.
William Mair	Having had the opportunity to comment on the proposed amendments, the licence holder had no further comments on the variations to the conditions.

Motion

Having considered the representations from the licence holders and all other matters before the Committee, the Committee determined to approve the report subject to the imposition of the medical standards testing put forward by the licence holder Colin Hood and subject to any necessary amendments to the conditions in order to comply with the approvals therein.

Decision on Paper

The Committee, having considered the representations from the licence holders and all other matters before the Committee, agreed unanimously to approve the report subject to the imposition of the alternative medical standard and subject to any necessary amendments to the conditions in order to comply with the approvals therein.

Action

Regulatory Services Manager

ENDS 12:00 pm