

# Notice of meeting and agenda

## Regulatory Committee

**10.00 am, Monday, 21 November 2016**

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend

## Contact

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## **1. Order of business**

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- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

## **2. Declaration of interests**

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- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **3. Deputations**

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- 3.1 If any

## **4. Minutes**

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- 4.1 Regulatory Committees of 19 September and 21 October 2016 (circulated – submitted for approval as correct records).

## **5. Work Plan and Rolling Actions Programme**

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- 5.1 Rolling Actions Programme (circulated)

## **6. Executive Decisions**

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- 6.1 Public safety at sports grounds: Annual Update 2015/16 - report by the Executive Director of Place (circulated)
- 6.2 Request for Variation: Taxi Vehicle Licences - report by the Executive Director of Place (circulated)
- 6.3 Licensing Policy Development - Taxi and Private Hire Driver Training Consultation Update - report by the Executive Director of Place (circulated)
- 6.4 Licensing Policy Development - Taxi, Private Hire Car and Driver Licence Conditions Consultation Update - report by the Executive Director of Place (circulated)
- 6.5 Access to Taxis by Customers using Wheelchairs – Update - report by the Executive Director of Place (circulated)
- 6.6 Age Limitation of Taxis and Private Hire Cars -Feasibility Report - report by the Executive Director of Place (circulated)
- 6.7 Taxi Fare Scale Outcome of Appeal and Timetable for Next Review - report by the Executive Director of Place (circulated)

- 6.8 Licensing Customer Survey 2016 - report by the Executive Director of Place (circulated)
- 6.9 Licensing Policy Development: Monthly Instalment Payments - report by the Executive Director of Place (circulated)

## **7. Routine decisions**

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- 7.1 None.

## **8. Motions**

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- 8.1 If any.

### **Kirsty-Louise Campbell**

Interim Head of Strategy and Insight

### **Committee Members**

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Councillors Bridgman (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Cairns, Doran, Heslop, Lunn and Redpath.

### **Information about the Regulatory Committee**

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The Regulatory Committee consists of 9 Councillors and is appointed by the City of Edinburgh Council. The Regulatory Committee usually meets every eight weeks. The Regulatory Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

### **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Stephen Broughton, Committee Services, City of Edinburgh Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 529 4261, e-mail [stephen.broughton@edinburgh.gov.uk](mailto:stephen.broughton@edinburgh.gov.uk)

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh. The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/cpol](http://www.edinburgh.gov.uk/cpol).

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Any information presented by you to the Committee at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

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## Regulatory Committee

**10.00 am, Monday 19 September 2016**

### **Present**

Councillor Bridgman (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Cairns, Gardner (substituting for Councillor Doran), Heslop, and Redpath

### **1. Deputation: Edinburgh Street Traders**

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In terms of Standing Order 12.1, the Committee agreed to hear a deputation from Gerry Gapinski who attended on behalf of Chandra Mather, Chair of the High Street and Playfair Steps Street Traders Association.

The elected members agreed at the outset that they would not ask questions of the deputation, as the issues being raised would be considered at the meeting of the Regulatory Committee in October.

The main points raised by the deputation were:

Following the meeting of the Regulatory Committee on 1 February 2016 it was understood by the traders that a stakeholder meeting would take place before April 2016 to discuss the proposed policy changes in respect of the High Street.

To date no meeting had taken place. The deputation sought to progress this and requested an update on scheduling such a meeting.

The second point raised by the deputation was in relation to refunds for unsuccessful applications in the high street lottery for street trader licences. It had been stated at the same meeting in February that unsuccessful applications would be refunded 90% of the application fee.

The deputation advised that he had personally been pursuing a refund on his unsuccessful applications for a year, the value of which was in the region of £1,000. He further advised that he had received differing advice from officers each time he contacted licencing to progress this. The deputation sought clarification of whether or not refunds were to be given, and the procedure for progressing this.

In conclusion, he advised that there was no consensus between the street traders in relation to the issue of multiple applications but that the majority of traders had continued to be actively involved in working to effect change since 2012.

The Convener thanked the Deputation for their presentation and invited them to remain to hear any further discussion on the matter.

The Head of Housing and Regulatory Services advised that it had been agreed at the meeting in February that the group would provide their constitution to the Council and provide an overview of their membership which had not been received. Despite this, the Committee agreed that a meeting with the traders should be scheduled, in the spirit of the agreement made in February, and an update provided at the next meeting of the Regulatory Committee.

In mitigation of the meeting not being held as agreed, it was advised that at the June committee, a report had been submitted advising that the specific issues relating to the High Street Traders would be included as part of the Public Spaces Manifesto, in partnership with Planning (Item 6.1 Licensing Policy Development – Street Trading Update). It had been assumed that this would negate the requirement for a specific meeting with the street traders at that time.

The Head of Housing and Regulatory Services agreed to provide details to members in relation to the reimbursement of street trader licence refunds.

### **Decision**

1. To agree to hear the deputation in terms of Standing Order 12.1.
2. To thank the deputation for their presentation
3. To note the commitment of the Executive Director of Place, to meet with stakeholders at the earliest, as agreed by the Regulatory Committee on 1 February 2016.
4. The Executive Director of Place to confirm the position regarding refunds in relation to street trading applications for the High Street and to circulate a briefing note to members.
5. The Executive Director of Place to report back to the Regulatory Committee in November, on the meeting with the stakeholders.
6. To note that the High Street and Playfair Steps Street Traders Association would submit their constitution to the Council.

## **2. Minutes**

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### **Decision**

To approve the minute of the Regulatory Committee of 24 June 2016 as a correct record.

## **3. Rolling Actions Programme**

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The Regulatory Committee Rolling Actions Programme for 3 May 2013 to 19 September 2016 was presented.

### **Decision**

To note the Rolling Actions Programme.

(References – Act of Council No. 12 of 24 October 2013; Regulatory Committee Rolling Actions Programme – 19 September 2016, submitted)

#### **4. Demand for Taxis: Six Monthly Update**

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Details of the most recent analysis of demand for taxis in the city carried out by Sky High Technology Ltd in February and March 2016, was provided in a six monthly update report.

There had been no recorded complaints from the public regarding the lack of taxis.

##### **Decision**

1. To note the report.
2. To agree that there was currently no evidence of significant unmet taxi demand and therefore to maintain the limit of 1316 on the number of taxis licenced in the city.
3. To agree to use the survey within the report as the basis for determining demand in any future applications for a taxi licence.

(References –Regulatory Committee 26 April 2016 (item 7); report by the Head of Housing and Regulatory Services, submitted)

#### **5. Proposed Fees Structures for House in Multiple Occupation Licences**

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Approval was sought to undertake a public consultation a proposed fee structure for Houses in Multiple Occupation Licences.

The new fee structure reflected changes in the growth of larger shared accommodation properties and rationalised the current fee structures into a single transparent fee structure.

In line with statutory guidance it was proposed that licences were granted for a three year period for suitable properties which would be determined by using a risk based assessment process. This would reduce workload in respect of administration processes and inspections.

It was also proposed that fees and charges would be based on the number of occupants rather than the size of properties to reflect the additional workload involved.

It was intended to report back to Committee on the outcome of the consultation within six months and thereafter a final report would be considered by the Regulatory Committee.

##### **Decision**

1. To note the content of the report.
2. To agree to carry out a consultation exercise.
3. To agree to receive a final report on the outcome of the consultation as set out in paragraphs 3.19 – 3.20 of the report by the Executive Director of Place.

4. To discharge the outstanding remit from the Regulatory Committee on 24 July 2014.

(References –report by the Head of Housing and Regulatory Services, submitted.)

## 6. Licensing Policy Development – Taxi and Private Hire Driver Training Consultation Update

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A report was submitted providing details on the outcome of further consultation on taxi and private hire driver training. The consultation ran from 8 March to 18 April 2016.

The committee were asked to note the proposals and refer the report to the Hire Car Consultation Group for consideration and to receive a further report which would include the outcome of that meeting.

It was highlighted that the reason for introducing this measure was to raise standards in this crucial service to the city and to address the level of complaints in this area which were monitored at 1-2 per day.

### Decision

1. To note the proposals to change current licensing conditions for the PHC drivers to introduce compulsory training for PHC drivers when legislation permits, and meantime to introduce it on a voluntary basis.
2. To note the proposals to adopt a compulsory training programme for all new taxi and PHC drivers with a requirement to gain a qualification prior to the grant of a licence.
3. To note the proposals to adopt a new training programme for all existing taxi and PHC drivers, on completion of which they may sit an assessment formally recognising their achievement.
4. To note the proposals that all taxi and PHC drivers would be required to complete refresher training every three years.
5. To note the proposals that the training should be delivered inhouse.
6. To refer the report to a meeting with the Hire Car Consultation Group and agree to receive a further report which would include the outcome of this meeting.
7. The Executive Director of Place to clarify the written English requirements for the City and Guilds qualification (to safeguard people who speak English but may have reading and writing language skills problems).
8. The Executive Director of Place to clarify the use of translators with regard to the training.
9. Details of the groups included in the consultation to be circulated to members for information.

(References – Regulatory Committee 24 June 2016 (item 6); Regulatory Committee 25 September 2015 (item 7); report by the Head of Housing and Regulatory Services, submitted)

## **7. Licensing Policy Development – Late Hours Catering Consultation**

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Details were provided on the outcome of a consultation on Late Hours Catering which ran from 16 March 2016 to 30 May 2016 and approval sought for a proposed policy and standard conditions.

It was proposed that there would be six clear zones, with clarity on how the zones were applied with controls on the location, duration of licence and trading hours to protect local interests, in particular residential properties.

The consultation identified issues around late night premises who wished to provide a delivery service. It was proposed that further work be carried out on this issue and reported back to committee.

### **Decision**

- 1) To note the outcome of the independent consultation and the progress made to date.
- 2) To approve the adoption of the proposed standard conditions and policy contained in appendices 6 – 8 of the report by the Executive Director of Place, which would take effect from 1 November 2016.
- 3) To agree that further consultation should be carried out regarding late night premises wishing to operate a delivery only service and the Executive Director of Place to report to the Committee in due course.

(References – Regulatory Committee 25 September 2015 (item 4); report by the Head of Housing and Regulatory Services, submitted)

## **8. Production of Criminal Records and Evidence of Right to Work in the UK by Taxi & PHC Driver's Licence Applicants**

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A report was provided which outlined proposals for a revised application process for taxi and private hire car driver's licence applicants in regard to criminal convictions and immigration status, in respect of a right to work in the United Kingdom.

### **Decision**

1. To note the content of the report and the proposed change to the application process which placed the onus on the applicant to provide information not previously required, and those applications which do not include the required information would be classed as incomplete and returned to the applicant.
2. To agree to introduce a new process in respect of taxi driver's licences and private hire car driver's licences as outlined in paragraph 3.5 and Appendix 1 of

the report by the Executive Director of Place, which would take effect from 1 November 2016.

3. To authorise the Executive Director of Place to make further changes required by any amendment to legislation or any guidance issued by the Secretary of State.

(Reference - report by the Head of Housing and Regulatory Services, submitted)

## **9. Response to Consultation: Impact of Modern Technology on Taxi and Private Hire Car Licensing**

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Details were provided of a response made to the Scottish Government consultation on Impact of Modern Technology on Taxi and Private Hire Car Licensing

### **Decision**

To note the report.

(Reference – report by the Head of Housing and Regulatory Services, submitted)

## Regulatory Committee

9.00 am, Friday 21 October 2016

### Present

Councillors Bridgman (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Dixon (substituting for Councillor Lunn), Doran, Gardner (substitute for Councillor Redpath), Heslop and Ritchie (substitute for Councillor Cairns)

### 1. High Street Trading Licence Application Process

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The Licensing Sub-Committee on 7 October 2016 agreed that the Head of Regulatory and Housing submit a report to this meeting with proposals to amend the existing Street Trader policy to prohibit the submission of multiple applications by businesses and individuals in the name of employees, associates or family members in order to increase their chances of obtaining stances in the High Street or Hunter Square

Details were provided on proposal to address concerns regarding street trading in the High Street and Hunter Square.

### Decision

1. To agree that the existing policy be amended in respect of proposed conditions and changes to the application process for temporary Street Traders in the High Street and Hunter Square as detailed in paragraphs 3.9, 3.10 and 3.11 of the report by the Head of Housing and Regulatory Services.
2. Insurance for employees to be included in any Public Liability policy held by the employer or covered by a separate policy.
3. To reaffirm that street trading on the High Street and Hunter Square was intended to be temporary in nature, and given demand for space, makes clear in the amended policy that traders should not expect to be trading on the High Street and Hunter Square consistently.
4. To note the concern that the current arrangements may be unsustainable and agrees to receive a further report in February 2017 on the impact of the proposed changes to the application process, and the ongoing feasibility of street trading on the High Street and Hunter Square.
5. The report in February to include options for preference to be given to traders selling locally produced or hand made goods.

(References – Regulatory Committee 2 September 2015 (item 4); Regulatory Committee 24 June 2016 (item 3); Licensing Sub-Committee 7 October 2016 (item 5); report by the Head of Housing and Regulatory Services, submitted)

# Item 5.1 Rolling Actions Programme

## Regulatory Committee

3 May 2013 to 21 November 2016

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	20.06.14	Street Trader Licensing - Pedicabs	To complete the review of Pedicabs.	Executive Director of Place	Apr 2017		Ongoing
2	28.04.15	Private Rented Sector Enforcement Policy	To agree to consult on the use of third party reporting powers to the Private Rented Housing Panel, with a report detailing the findings of the consultation to be brought before the September 2015 Committee.	Executive Director of Place	Feb 2017		Ongoing
3	28.04.15	Private Rented Sector Enforcement Policy	Annual report on the details and statistics on the enforcement action taken by Private Rented Services.	Executive Director of Place	Apr 2017		Ongoing following Transformational change of this team

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
4	23.06.15	Licensing Policy Development - Taxi and Private Hire Driver Training Update	<ol style="list-style-type: none"> <li>1. To agree to consult on the development of a fit for purpose training programme that met the needs of a modern taxi and private hire service, which would include a proposed level of training, course content and method of training delivery including bringing the training in-house.</li> <li>2. To agree to receive a further update in due course.</li> <li>3. To agree to include mental health issues in the disability awareness section of the new training.</li> </ol>	Executive Director of Place	Nov 2016	Sept 2016	<p>Meeting with taxi trade complete July 2016.</p> <p>Report submitted Sept 2016</p> <p>Discharge</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
5	25.09.15	Review of Late Hours Catering Policy	<ol style="list-style-type: none"> <li>1. To consult on the draft policy conditions and operating plans, in line with statutory requirements.</li> <li>2. To formally consult with the Licensing Board; and</li> <li>3. To receive a final report on the outcome of the consultation within six months.</li> </ol>	Executive Director of Place	Sept 2016	Sept 2016	Report submitted Sept 2016  Discharge
6	25.09.15	Update Air Weapons and Licensing (Scotland) Act 2015	To agree to update the Committee Work Plan to include additional areas of work required by the implementation of the Bill described in the report by the Acting Director of Services for Communities.	Executive Director of Place	Apr 2017 (depending on legislation)		New amendments 1 Nov 2016 and 1 May 2017
7	25.09.15	Licensing of Hire Vehicles Protecting Vulnerable Passengers	<ol style="list-style-type: none"> <li>1. To agree that a report on this issue will be submitted in 12 months.</li> </ol>	Executive Director of Place	Sept 2016	Sept 2016	Report submitted Sept 2016  Discharge
8	17.11.15	Public safety at sports grounds annual update 2014 - 2015	Annual Report	Executive Director of Place	November 2016		Annual Report

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
9	17.11.15	Licensing Performance Update	The Acting Director of Place to investigate payment of licensing fees by instalments.	Executive Director of Place	June 2016		Six monthly report tabled
10	01.02.16	Licensing Policy Development Street Trading Consultation Update	<ol style="list-style-type: none"> <li>1. To agree to receive a further report on issues highlighted during the consultation process.</li> <li>2. The Executive Director of Place to meet with stakeholders as soon as possible to discuss the concerns raised in the consultation prior to the proposed further report being considered by the Regulatory Committee.</li> </ol>	Executive Director of Place	Jun 2016	Jun 2016	Report tabled

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
11	01.02.16	Policy and Code of Conduct on Public Processions	<ol style="list-style-type: none"> <li>1. To agree to consult widely on the proposed Policy and Code of Conduct on Public Processions in line with statutory requirements.</li> <li>2. To agree to consult on the Parades notification form in line with statutory requirements.</li> <li>3. To receive a further update in six months</li> </ol>	Executive Director of Place	Feb 2017		Consultation underway
12	01.02.16	Access to Taxis by Customers Using Wheelchairs or Customers Accompanied by Assistance Dogs	<ol style="list-style-type: none"> <li>1. To agree the proposed actions as set out in paragraph 3.20 (November)</li> <li>2. To receive a further update in six months (August)</li> </ol>	Executive Director of Place	Nov 2016		Report submitted to Nov Committee
13	24.06.16	Licensing Performance Update	<ol style="list-style-type: none"> <li>1. To receive a further update report in six months</li> <li>2. The next update report to include information on late applications submitted</li> <li>3. The Executive Director of Place to provide information to members on any instances of verbal abuse to staff and action taken since the policy was introduced.</li> </ol>	Executive Director of Place	Feb 2017		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
14	24.06.16	Taxi Examination Centre – Vehicle Inspection Pass Rates	<p>1. To receive an update report in six months:</p> <p>(i) providing figures for the number of missed appointments in a year highlighting peaks and troughs in the year</p> <p>(i) proposals for the introduction of a fee being charged for missed appointments;</p> <p>(ii) other measures that could be brought in to mitigate the vehicle examiners time lost due to missed appointments.</p> <p>(iii) details of the type of faults identified by the examiners to be reported back to the Regulatory Committee</p>	Executive Director of Place	Feb 2017		
15	24.06.16	Age of Taxis and Private Hire Cars – Motion by Councillor Burgess	<p>1. To receive a report in November 2016.</p>		Nov 2016		Report submitted to Nov Committee

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
16	19.09.16	Deputation: Edinburgh Street Traders	<ol style="list-style-type: none"> <li>1. To note the commitment of the Executive Director of Place to meet with stakeholders at the earliest, as agreed by the Regulatory Committee on 1 Feb 2016</li> <li>2. The Executive Director of Place to confirm the position regarding refunds in relation to street trading applications for the High Street and to circulate a briefing note to members.</li> <li>3. The Executive Director of Place to report back to the Regulatory Committee in November on the meeting with stakeholders.</li> <li>4. To note that the High Street and Playfair Steps Street Traders Association would submit its constitution to the Council.</li> </ol>		Nov 2016	21 Oct 2016	<p>Report submitted Oct 2016</p> <p>Discharge</p>
17	19.9.09	Proposed Fees Structure for House in Multiple Occupation Licences	To agree to receive a final report on the outcome of the consultation as set out in paragraphs 3.19-3.20 of the report by the Executive Director of Place.	Executive Director of Place	Apr 2017		Consultation underway

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
18	19.09.16	Licensing Policy Development – Taxi and Private Hire Driver Training Consultation Update	<ol style="list-style-type: none"> <li>1. To refer the report to a meeting with the Hire Car Consultation Group and agree to receive a further report which would include the outcome of this meeting,</li> <li>2. The Executive Director of Place to clarify the written English requirements for the City &amp; Guilds qualification (to safeguard people who speak English but may have reading and writing language skills problems).</li> <li>3. The Executive Director of Place to clarify the use of translators with regard to the training.</li> <li>4. Details of the groups included in the consultation to be circulated to members for information.</li> </ol>	Executive Director of Place	Nov 2017		Report submitted

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
19	19.09.16	Licensing Policy Development – Late Hours Catering Consultation	To agree that further consultation should be carried out regarding late night premises wishing to operate a delivery only service and Executive Director of Place to report to the Committee in due course.	Executive Director of Place	Apr 2017		

# Regulatory Committee

10am, Monday, 21 November 2016

## Public safety at sports grounds: Annual Update 2015/16

Item number	6.1
Report number	
Executive/routine	Routine
Wards	All Wards

### Executive summary

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This is the annual update on the Council's responsibilities in relation to public safety at sports grounds. Between October 2015 and September 2016, the Public Safety Team within the Culture Service issued General Safety Certificates on time to Easter Road Stadium, Meadowbank Stadium, Murrayfield Stadium and Tynecastle Stadium. The Public Safety team also issued two Special Safety Certificates in total covering one non-sporting events and one concert, both at Meadowbank Stadium.

No enforcement action was taken during this period.

### Links

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Coalition pledges	<a href="#">P24 P42</a>
Council outcomes	<a href="#">CP2, CP6</a>
Single Outcome Agreement	<a href="#">SO4</a>

## Public safety at sports grounds: Annual Update 2015/2016

### Recommendations

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It is recommended that Committee:

- 1.1 Notes this report on safety at sports grounds.

### Background

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- 2.1 At its meeting on 17 November 2014, the Regulatory Committee requested an annual update on this area of work relating to the certification of sports grounds in accordance with the Council's Standing Orders.
- 2.2 The Committee Terms of Reference and Delegated Functions document states at paragraph 21.5.10 that it is within the Regulatory Committee's remit to "exercise the Council's responsibilities in respect of safety at sports grounds". The Council's Scheme of Delegation to Officers describes these as:
  - *"administering and issuing Safety Certificates and Special Safety Certificates, and carrying out inspection and enforcement duties relating to such certificates, for Designated Stadia and Regulated Stands in accordance with the Fire Safety and Safety of Places of Sports Acts 1987, the Safety of Sports Grounds Act 1975 and the Safety of Places of Sports Regulations 1988. [Paragraph 56 of the Scheme]"*
- 2.3 The Council therefore has a duty to determine suitable safety measures for spectators attending events at Designated Stadia to view specified sporting activities within its jurisdiction. Safety measures include the maximum safe occupancy capacity of stadia and a wide range of other safety provisions. The four Designated Stadia in Edinburgh are Easter Road, Meadowbank, Murrayfield and Tynecastle.
- 2.4 The Council is also required to issue General Safety Certificates to the Designated Stadia when satisfied that safety-related matters are at a satisfactory level and are maintained at that level.
- 2.5 When activities not included on General Safety Certificates are held at these stadia then the Council must issue a Special Safety Certificate for those activities.

- 2.6 The Council is responsible for taking any enforcement action in relation to non-compliance with the conditions of the Certificates and where non-specified activities viewed by an audience take place without a Certificate.
- 2.7 The Council also has a duty under the Act to enforce the recommendations of the relevant legislation, regulations and guides at any sports ground, whether a Certificate is in place or not.
- 2.8 The Scheme of Delegation notes that these duties are the responsibility of the relevant Director (currently the Executive Director of Place), through the Public Safety team within Culture.
- 2.9 Public Entertainment licences are not required to view outdoor sporting events and enforcement is through the Safety of Sports Grounds Act 1975.

## Main report

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- 3.1 Between October 2015 and September 2016, General Safety Certificates were issued to all Designated Stadia in Edinburgh as noted in the table below:

<b>Sports Ground</b>	<b>Certificate Holder</b>	<b>Date of last issue</b>	<b>Primary activities on Certificate</b>
Easter Road Stadium	Hibernian Football Club	22 July 2016	Football Rugby
Meadowbank Stadium	Edinburgh Leisure	2 December 2015	Football (soccer) Rugby Athletics American Football Arena-based events on pitch or track with seated viewing audience
Murrayfield Stadium	Scottish Rugby Union	25 July 2016	Rugby Athletics Cycling Football (soccer) American Football
Tynecastle Stadium	Heart of Midlothian Football Club	19 August 2016	Football (soccer)

3.2 During the same time period, the following Special Safety Certificates were issued:

<b>Sports Ground</b>	<b>Event</b>	<b>Date of issue</b>	<b>Reason for Special Certificate</b>
Meadowbank Stadium	5 November 2015 Fireworks display	27 October 2015	Non-sporting event (also covered by Public Entertainment Licensing).
Meadowbank Stadium	25 June 2016 Concert (Sir Elton John)	14 June 2016	Music event (also covered by Public Entertainment Licensing).

3.3 All certificates were issued after the statutory consultations, inspections and document assessments were carried out by the Public Safety team.

3.4 Events Planning and Operations Group (EPOG) meetings were also held, where appropriate.

## Measures of success

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4.1 The correct certification was issued to relevant parties before deadlines (after expiry of previous certificates and/or prior to first events).

4.2 No enforcement actions were necessary in the period covered by this report.

4.3 Meet the following objective of the Culture Plan

- a. Ensure that everyone has access to world class cultural provision
- b. Develop and support the infrastructure which sustains Edinburgh's cultural and creative sectors

## Financial impact

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5.1 Costs were contained within the Culture and Sport revenue budget. There are no cost recovery measures in place at present.

## Risk, policy, compliance and governance impact

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- 6.1 The Council carries out regular monitoring and annual certification in line with its statutory duties. This ensures public safety and reduces risk to spectators and reputational risk to the Council as Certifying Authority.

## Equalities impact

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- 7.1 None.

## Sustainability impact

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- 8.1 None.

## Consultation and engagement

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- 9.1 Consultation has taken place in the form of round table meetings, site visits and inspections with Police Scotland, the Scottish Ambulance Service, the Scottish Fire and Rescue Service, voluntary first aid organisations and the relevant sports clubs and organisations which manage the venues.
- 9.2 Where appropriate, EPOG meetings have been held
- 9.3 In accordance with its duties under the Safety at Sports Grounds Act 1975, the Council issues copies of the certification to Police Scotland.

## Background reading/external references

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[Public Safety at sports grounds: annual update – Regulatory Committee 17 November 2014](#)

[Public Safety at sports grounds: annual update 2014/15 – Regulatory Committee 17 November 2015](#)

### **Paul Lawrence**

Executive Director of Place

Contact: John McNeill, Senior Surveyor, Public Safety

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## Links

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<b>Coalition pledges</b>	P24 Maintain and embrace support for our world-famous festivals and events P42 Continue to support and invest in our sporting infrastructure
<b>Council outcomes</b>	CP2 – Improved health and wellbeing; reduced inequalities CP6 – A creative, cultural capital
<b>Single Outcome Agreement</b>	SO4 Edinburgh's communities are safer and have improved physical and social fabric
<b>Appendices</b>	None

# Regulatory Committee

10.00, Monday, 21 November 2016

## Request for Variation: Taxi Vehicle Licences

<b>Item number</b>	6.2
<b>Report number</b>	
<b>Executive/routine</b>	Routine
<b>Wards</b>	All Wards

### Executive Summary

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The Committee is asked to consider a proposed variation to the current conditions placed on vehicles which are granted Taxi Licences regarding advertising in or on the vehicles.

The Council has specific conditions which prevent non-standard fittings from being added to Taxi or Private Hire Car vehicles.

The Committee is asked to consider whether this style of advertising is appropriate, and if so to agree to delegate to the Executive Director of Place authority to approve this type of advertising.

### Links

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<b>Coalition Pledges</b>	<a href="#">P28</a>
<b>Council Priorities</b>	<a href="#">CP8</a>
<b>Single Outcome Agreement</b>	<a href="#">SO1 &amp; SO2</a>

## Request for Variation: Taxi Vehicle Licences

### 1. Recommendations

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It is recommended that the Committee:

- 1.1 considers the request from Eyetease Ltd to install its “iTaxitop” ‘taxi top illuminated advertising technology’ on TX4 model taxis;
- 1.2 if it agrees with the request to allow such installation, to delegate to the Executive Director of Place authority to approve such installations; and
- 1.3 agrees a £50 one-off charge for each application/examination of a vehicle.

### 2. Background

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- 2.1 The City of Edinburgh Council’s Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers regulate the display of signage on or in any vehicle submitted for licensing.
- 2.2 In November 2013 the Regulatory Committee agreed to vary the conditions of licence relating to the control of advertising on taxis. In essence this deregulated advertising on taxis.
- 2.3 Condition 269 states “No fittings other than those approved may be attached to or carried upon the inside or outside of the taxi”. Additionally there is a condition which requires removal of an advertisement if the Council deems it inappropriate.

### 3. Main report

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- 3.1 The City of Edinburgh Council has been contacted by Eyetease Ltd (Appendix 1) requesting approval in principle to place additional signage on taxis.
- 3.2 Condition 236 states that “Advertisements on the exterior of taxis will be categorised as either door, super-sides or full livery”.
- 3.3 The proposed signage system (“iTaxitop”) is a double-sided digital advertising platform that sits on the roof of a taxi. The stretched high brightness LED backlit LCD screens play high definition adverts to the public. Further system details are provided in Appendix 1. As such this system would not currently be permitted under Condition 236.

- 3.4 As Condition 269 states “No fittings other than those approved may be attached to or carried upon the inside or outside of the taxi”, the installation of this system would not be approved under current conditions of licence.
- 3.5 Officers at the Taxi Examination Centre have inspected the system and would have no objection to the operation of this system on LTI TX4 taxi model subject to the monitoring of the system. Should any undesirable features become apparent, the Taxi Examination Centre would wish to have the power to withdraw authority for its installation and use. A report from the Taxi Examination Centre is attached at Appendix 2.
- 3.6 The iTaxitop system has been approved by Transport for London for use on TX4 vehicles (Appendix 3). If the committee agrees this request for variation, it is requested to delegate authority to the Executive Director of Place, via the Taxi Examination Centre, to approve individual applications. The application fee would be a one-off charge of £50 per vehicle. Inspectors would have discretion to direct the removal of any particular advertising, should a problem arise.
- 3.7 Representatives of Eyetease Ltd have indicated that they intend to appear and present to the Committee.

#### **4. Measures of success**

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- 4.1 Not relevant, as decisions on individual licences have to be considered on their own merits.

#### **5. Financial impact**

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- 5.1 A one-off charge of £50 per application is proposed.
- 5.2 Any associated costs will be contained within the current Licensing budget.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 There is currently no right of appeal.

#### **7. Equalities impact**

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- 7.1 There is no equalities impact arising from the contents of this report.

#### **8. Sustainability impact**

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- 8.1 There is no environmental impact arising from the contents of this report.

## 9. Consultation and engagement

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9.1 None

## 10. Background reading/external references

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[Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Drivers](#)

### Paul Lawrence

Executive Director of Place

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## 11. Links

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<b>Coalition Pledges</b>	<b>P28</b> - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
<b>Council Priorities</b>	<b>CP8</b> – A vibrant, sustainable local economy
<b>Single Outcome Agreement</b>	<b>SO1</b> – Edinburgh’s economy delivers increased investment, jobs and opportunities for all <b>SO2</b> – Edinburgh’s Citizens experience improved health and wellbeing, with reduced inequalities in health
<b>Appendices</b>	<a href="#">Appendix 1</a> : Product information from Eyetease Ltd <a href="#">Appendix 2</a> : Report from Taxi Examination Centre dated 19 July 2016 Appendix 3: Letter from Transport for London dated 10 September 2014

# Regulatory Committee

10:00, Monday, 21 November 2016

## Licensing Policy Development - Taxi and Private Hire Driver Training Consultation Update

Item number	6.3
Report number	
Executive/routine	Routine
Wards	All

### Executive Summary

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Training proposals were presented to the Regulatory Committee on 19 September 2016. The Committee noted the proposals and referred the report to the Hire Car Consultation Group.

This report updates the Committee on the outcome of further consultation with the Hire Car Consultation Group on 4 October 2016.

It is proposed that the Council adopts a new training programme linked to a qualification for all taxi and private hire car (PHC) drivers, including a requirement to complete refresher training every three years. The course content would be owned by the City of Edinburgh Council and accredited at Level 2 Certificate by City and Guilds.

It is proposed that the City of Edinburgh Council will deliver the training.

### Links

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Coalition Pledges	<a href="#">P15 &amp; P28</a>
Council Priorities	<a href="#">CP8</a>
Single Outcome Agreement	<a href="#">SO1</a>

## Licensing Policy Development - Taxi and Private Hire Driver Training Consultation Update

### 1. Recommendations

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It is recommended that the Committee:

- 1.1 notes the outcome of the Hire Car Consultation Group meeting;
- 1.2 notes paragraph 2.11 below and agrees to adopt the proposals to change current licensing conditions for PHC drivers, to introduce compulsory training for PHC drivers;
- 1.3 agrees to adopt the proposals to adopt a compulsory training programme for all new taxi and PHC drivers, with a requirement to gain a qualification prior to the grant of a licence;
- 1.4 agrees to adopt the proposals to adopt a new training programme for all existing taxi and PHC drivers, on completion of which they may sit an assessment formally recognising their achievement;
- 1.5 agrees to adopt the proposals that all taxi and PHC drivers will be required to complete refresher training every three years;
- 1.6 agrees to adopt the proposals that the training should be delivered in-house; and
- 1.7 agrees that final course content and training manuals will be developed in consultation with the trade.

### 2. Background

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- 2.1 The City of Edinburgh Council exercised its powers to license taxis and PHCs in 1983. The Civic Government (Scotland) Act 1982 ('the 1982 Act') creates a two tier licensing regime, where a taxi may pick up passengers in a public place without a prior booking, and a Private Hire Car (PHC) must be pre-booked. In general terms, whilst the fare paying passenger may see differences in vehicle design, livery and booking conditions across the two services, in reality their expectation is fundamentally one of a contractual agreement between themselves and a suitably trained and regulated 'driver'.
- 2.2 Section 13(5) of the 1982 Act allows a Licensing Authority to require an applicant for a Taxi Driver's Licence to take a test of knowledge of the area to which the licence relates, the layout of the roads in that area, and such other matters relating

to the operation of a taxi as the authority considers desirable. Section 5 (1A) of Schedule 1 of the 1982 Act allows a licensing authority to vary any standard condition so far as it is applicable to the grant or renewal of the licence, or impose conditions.

- 2.3 The last review of training was the subject of a report to the Regulatory Committee on 14 December 2007.
- 2.4 The 'Scottish Government, Taxi and Private Hire Car licensing: Best Practice guidance for Licensing Authorities, second edition April 2012' highlights at paragraph 8.11: "A number of Scottish licensing authorities have, or are developing requirements for taxi drivers which require to be met at first grant of a licence or at renewal. Such training typically covers matters such as customer care, disability awareness, managing conflict, road safety etc. The Scottish Government commends as best practice the importance of such vocational training for drivers and would encourage authorities to adopt a positive approach to vocational training. The Scottish Government would commend as best practice any conditions of licence that seek to raise standards within the taxi and private hire care trades".
- 2.5 There is currently no compulsory training requirement for PHC drivers. To become a PHC driver the applicant need only be checked by the Police and pass a medical examination.
- 2.6 There are currently 1,316 licensed taxis in Edinburgh operated by approximately 3,456 taxi drivers, and 1,302 PHCs operated by approximately 1,875 PHC drivers.
- 2.7 The proposal to introduce a new programme for taxi and PHC driver training was presented to the Regulatory Committee on 23 June 2015, when it was agreed that a full consultation should be carried out.
- 2.8 The initial consultation ran from 29 October until 15 December 2015. Analysis of this initial consultation identified that very few responses had been received from taxi/PHC users.
- 2.9 Concerned that the views of taxi/PHC users may not be fully represented, the Convenor of the Regulatory Committee asked for a further period of consultation using the same questionnaire, with this group. As a result a further period of consultation ran from 8 March until 18 April 2016
- 2.10 A training proposal was presented to the Regulatory Committee on 19 September 2016. The Committee noted the proposals and referred the report to the Hire Car Consultation Group which was due to meet on 4 October 2016, and agreed to receive a further report on the outcome of the meeting. The membership of the Hire Car Consultation Group is detailed in Appendix 1
- 2.11 Section 64 of the Air Weapons and Licensing (Scotland) Act 2015 amends section 13 of the 1982 Act. The change in legislation, which takes effect from 1 November 2016, now allows Local Authorities to require an applicant for a PHC Driver's Licence to take a test of knowledge of the area to which the licence relates, the

layout of the roads in that area, and such other matters relating to the operation of a taxi as the authority considers desirable.

### 3. Main report

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- 3.1 The Hire Car Consultation Group met on 4 October 2016 and the content of the Report presented to the Regulatory Committee on 19 September 2016 – ‘Taxi and Private Hire Driver Training Consultation update’ was discussed at length. At the meeting it was agreed to support in principle the introduction of training, and that representatives of both the Taxi and PHC trade should meet with Council Officers to have a further and more detailed discussion about the training proposals.
- 3.2 Council Officers met with representatives of the Taxi and PHC trade on 19 October 2016. The trade representatives expressed a number of concerns about the training provisions and course content, but were broadly supportive of the training proposals. The trade representatives advised that they were keen to be closely involved with the development of the final course content.
- 3.3 Following that meeting the taxi trade submitted a letter detailing the trade view on the taxi driver training proposals (Appendix 2). The letter raises a number of concerns previously discussed, but advises at 3.2 that “the trade supports the introduction of the new training for taxi and PHC drivers”
- 3.4 The trade concerns can be summarised as follows:
- training as an alleged bar to entry to trade
  - assisted marking of the topographical assessment by the trade
  - delivery of course content by the trade
  - frequency of refresher training/proposal for six yearly refresher training
  - first aid training

#### **Training as an alleged bar to entry to the trade**

- 3.5 There are currently 1,316 licensed taxis in Edinburgh operated by approximately 3,456 taxi drivers, and 1,302 PHCs operated by approximately 1,875 PHC drivers. There has been no year on year reduction in the number of applications to become either a taxi or PHC driver. Rather than a barrier to entering, the training will provide a framework for continuous improvement within the trade. Council Officers will, however, undertake to keep under review the number of licensed drivers and should there be a significant drop in number this will be report back to the Committee.

#### **Assisted marking of the topographical assessment by the trade**

- 3.6 The training proposals in respect of the topographical assessment do not change the existing practice. An assessment process should be independent of those required to undertake the assessment. It is inconceivable that training providers with a vested interest should also be marking an assessment. While taxi drivers may well be able to discuss routes and alternatives, they are not trainers with an

understanding of exam marking and technique. Indeed, the trade reinforces this very point that examinations are alien to many drivers or potential drivers seeking to be licensed.

### **Delivery of course content by the trade**

- 3.7 The trade has a lot to offer in term of experience and knowledge, and involvement in training provision would be welcomed. The trade did acknowledge that it may prove difficult to provide trainer support for the number of courses required to deliver training over a three year period. The Committee previously indicated that it did not support the trade's position as training providers.

### **Frequency of refresher training/proposal for six yearly training**

- 3.8 While there may have been limited amendment to legislation in the past, there has been frequent amendment in recent years. It is likely that the situation will continue to be fluid and changeable, with further amendments to legislation in respect of immigration, equalities and the impact of technology and Council policies on electric vehicles and emissions. Refresher training should be considered as an opportunity is to introduce continuous professional development for drivers, mirroring that of other professions. The training will also include customer service provision which will develop over time with best practice.

### **Wheelchair accessibility training.**

- 3.9 The proposed training will expand on the wheelchair accessibility training currently delivered, and will cover the wider issues of passenger assistance and disability. Officers will undertake to ensure that the development of course content will take cognisance of the trade's concerns and will involve relevant disability groups.

### **First Aid training**

- 3.10 By undertaking relevant awareness training, drivers will be better equipped to assess risk and provide appropriate assistance to passengers in an emergency situation, where necessary. They will therefore be less likely to put either themselves or passengers at risk. Irrespective of the introduction of First Aid training or otherwise, the choice to assist passengers will always be at the discretion of the driver. Training will be designed to reflect the needs of the trade to assist members to make an informed decision in the event of an emergency. It is hoped that this approach will alleviate any concerns that members of the trade may have in this regard.

### **Taxi and PHC Course Content and Training Qualification Proposals**

- 3.11 Other council areas in Scotland, e.g. Dundee, have already introduced formal training qualifications. Qualifications for taxi drivers have been widely used in England and Wales for a number of years. Incorporating pathways to qualifications within the required training for drivers would provide a route to improve standards within the industry in Scotland. This would be in line with the Scottish Government's 'Taxi and Private Hire Car Licensing: Best Practice Guidance for Licensing Authorities', which commends as best practice the importance of

vocational training for drivers and encourages authorities to adopt a positive approach to vocational training.

- 3.12 It is proposed that the Council adopts the 'Introduction to the Role of Professional Taxi and PHC Driver' course and adds local content relevant to the Edinburgh taxi and private hire trade, as detailed in Appendix 3. The course content would be owned by the City of Edinburgh Council and accredited at Level 2 Certificate by City and Guilds.

The course modules will include both updated and new training material:

- a) passenger assistance (updated) and disability awareness (new);
- b) road and passenger safety (new);
- c) first aid awareness (new);
- d) local licensing conditions (updated) and legislation framework (new); and
- e) professional customer service (updated).

In line with City and Guilds standards, all trainers will require a relevant training qualification.

#### **Training for all new taxi and PHC drivers**

- 3.13 It is proposed that all new taxi and PHC drivers will be required to complete the new training qualification and examination prior to the grant of a licence.
- 3.14 The training requirements and content for PHC drivers would mirror that of taxi drivers, with the exception of the requirement to complete a topographical assessment.

#### **Training of existing taxi and PHC drivers**

- 3.15 It is proposed that all existing taxi and PHC drivers will also have to complete the full training course. Although it will not be compulsory, they will have the option of taking the examination at the end of the course. It is hoped that drivers will welcome the opportunity to gain a professional qualification, but it is recognised that not all drivers will want to be qualified.
- 3.16 Training would be managed on a rolling basis over a three year period.
- 3.17 Where an existing driver has allowed their licence to lapse (with any subsequent application therefore being treated as a new application), the Licensing Service will not require the driver to repeat the training, or in the case of a taxi driver the topographical test, provided that not more than three years has elapsed from the date the previous training or topographical test was completed. If a driver has not previously gained a qualification this will normally be a requirement of the new application process.

#### **Training Delivery**

- 3.18 It is proposed that training will be delivered 'in house' by Council staff with a background in licensing these vehicles and drivers. Delivering training 'in house'

would allow the Council to tailor the course content to address localised practice, Council policy, and Council conditions.

- 3.19 The Licensing Service became an accredited City and Guilds training centre in July 2015. Training would be completed at the City of Edinburgh Council Risk Factory, a purpose built training facility with classrooms and practical training area.
- 3.20 The training is vocational, and the format will take into consideration applicants who may be unfamiliar with a written or multiple choice exam process.
- 3.21 Training will be tailored to facilitate flexible learning, offering a variety of options for when training can be undertaken.
- 3.22 The course will consist of 3 x 7 hour sessions with trainers. Training would be delivered over three days either as:
  - a) 3 consecutive days
  - b) 3 days over 3 weeks (1 day each week)
  - c) 3 days over 3 months (1 day each month)
- 3.23 Training for existing drivers would be avoided in the months of August and December, however courses would be available on demand and for all new drivers
- 3.24 It is proposed that all training and assessment is carried out in English. There is no legal requirement to provide translators and no translators will be allowed. Applicants who speak English but may have difficulties with reading and writing skills will be provided with appropriate support as recommended by the qualification authority.
- 3.25 The Equality Act 2010 also requires an awarding body/training centre to make reasonable adjustments where a learner, who is disabled within the meaning of the Equality Act 2010, would be at a substantial disadvantage in comparison to someone who is not disabled. Relevant policies will be developed to reflect this requirement.

### **Refresher training**

- 3.26 Training is currently 'one off' in nature. Drivers complete the course only once in their career, and are not required to undertake refresher training which could provide a framework for continuous improvement. There is currently no mechanism to update drivers with any changes to legislation, licensing conditions or customer service issues. Drivers licensed before 2003 were not required to complete training and currently there is no mechanism to address this.
- 3.27 It is proposed to introduce mandatory refresher training, which would allow the Council to modernise the current system, provide an opportunity to provide updates on any changes to legislation or conditions, allow for recertification of a first aid qualification if necessary, and address areas of concern including complaints.
- 3.28 Refresher training courses would be of one day's duration, with the option of a final multiple choice style examination being available for drivers who want to demonstrate their ongoing continuous professional development.

## **Benefits**

- 3.29 High quality taxi and private hire car services play an essential part in local transport networks, providing an invaluable service for both residents and visitors to Scotland. To meet the needs of customers and communities, the operation of the taxi and private hire car trades must reflect an appropriate standard.
- 3.30 A revised training package will have significant benefits, not just for drivers but also for the taxi and PHC trade, taxi and PHC operators, the Council, and most importantly the public.
- 3.31 The benefits will provide an opportunity to:
- a) raise standards and improve quality of service;
  - b) increase customer satisfaction, reduce the number of complaints and liabilities;
  - c) engage in learning and obtain a recognised qualification;
  - d) create a locally licensed service which achieves nationally recognised standards;
  - e) address any changes to legislation or licensing conditions;
  - f) attract new people into the trade, offering a career path which promotes continuous professional development; and
  - g) create a service within the city that truly reflects its capital city status.

## **Next Steps**

- 3.32 Final training course content, training manuals and administration process will be developed with a view to training going live in summer/autumn 2017.

## **Summary of proposals**

- 3.33 It is proposed that:
- a) there is no change to the current practice of requiring taxi drivers to pass a topographical assessment prior to the grant of a licence. This assessment will not be extended to PHC drivers at this time;
  - b) the current topographical assessment, excluding training, should become part of the City and Guilds examination/assessment process;
  - c) all drivers will be required to understand and speak English in order to engage with the training process. This will negate the requirement to introduce a separate English assessment;
  - d) the Council adopts the 'Introduction to the Role of Professional Taxi and PHC Driver' course and adds local content relevant to the Edinburgh taxi and private hire trade, as detailed in Appendix 3;
  - e) future training provision will include a module on first aid awareness training. This will be designed to reflect the needs of the trade, to assist drivers to make an informed decision in the event of an emergency;

- f) future training provision will include a module on Protecting Vulnerable Adults.
- g) all new taxi and PHC drivers will be required to complete the new training qualification and examination prior to the grant of a licence;
- h) all existing drivers will also be required to complete the full training course within a three year period. They will have the option of taking the examination at the end of the course although this will not be compulsory;
- i) where an existing driver has allowed their licence to lapse (with any subsequent application therefore being treated as a new application) the Licensing Service will not require the driver to repeat the training or the topographical test, provided not more than three years has elapsed from the date on which the previous training or topographical test was completed. If a driver has not previously gained a qualification it will normally be a requirement of the new application process;
- j) refresher training will be introduced, which would allow the Council to modernise the current system and provide an opportunity for updates on any changes to legislation or conditions;
- k) refresher training courses will be of one day's duration, with the option of a final multiple choice style examination being available for drivers who want to demonstrate their ongoing continuous professional development; and
- l) training will be delivered 'in house' by Council staff having a background in licensing these vehicles and drivers.

#### **4. Measures of success**

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- 4.1 A wide ranging and clear consultation and engagement process that demonstrates customer focus and commitment to listening to all stakeholders.
- 4.2 That the standard of taxi and PHC drivers is elevated to a level that is expected in a capital city, delivering improvements that create:
  - a) safe and efficient transport options for residents and visitors alike;
  - b) a fleet of professional drivers working throughout the city;
  - c) an improved and standardised working environment for all drivers; and
  - d) a recognised transferrable, vocational qualification which will be available for all drivers.

#### **5. Financial impact**

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- 5.1 None arising directly from this report. The Council's scale of fees for licensing applications was approved with effect from 1 April 2016. Any costs from implementing policy changes will be contained within the current ring-fenced income generated from licensing fees.

- 5.2 The cost of training will be in addition to existing licensing fees and any income generated will be used to offset the cost of the licensing system. There are no costs to the Council's revenue budget.
- 5.3 The cost of the current training course is £345. This cost is borne by the applicant and is not part of the current Council fee structure. The cost of the proposed training will be no more than that of the existing training course.

## **6. Risk, policy, compliance and governance impact**

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- 6.1 The development of policy in respect of the licensing of taxi and PHC drivers is part of a wider policy-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the Taxi Licensing Policy is consistent with these.
- 6.2 There is a risk that any decision to introduce training and or refresher training for existing drivers could be subject to legal challenge and may be appealed to the Sheriff. The Council has obtained legal opinion on the issues identified during the consultation period which would mitigate this risk.
- 6.3 It is intended that the revised training conditions will strengthen the Council's position in the event of a legal challenge against the introduction of training for existing drivers.

## **7. Equalities impact**

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- 7.1 An ERIA has been developed and following consultation any impacts, direct or otherwise, on any group of people with one or more protected characteristic, will be reported to the Committee.

## **8. Sustainability impact**

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- 8.1 There is no environmental impact arising from the contents of this report.

## **9. Consultation and engagement**

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- 9.1 Initial consultation commenced on 29 October and finished on 15 December 2015. A further consultation period ran from 8 March until 18 April 2016, which was designed to gauge the views of taxi and PHC users.
- 9.2 The consultation was designed to assess the understanding of the effects of the approach on different user groups to allow an informed decision on suitable changes to be made.
- 9.3 Further consultation was held with the Hire Car Consultation Group on 23 February 2016, 6 July 2016 and 4 October 2016. Following the meeting on 4 October, on 19

October Council Officers met with representatives of the both the Taxi and PHC trades to discuss the trading proposals in greater detail. The taxi trade subsequently submitted a letter detailing the trade view on the Taxi driver training proposals (Appendix 2)

## 10. Background reading/external references

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[Taxi and Private Hire Car Licensing: Best Practice Guidance for Licensing Authorities, Second edition April 2012](#)

[Regulatory Committee Report 2 February 2015 - Licensing Policy Development - Taxi and Private Hire Driver Training](#)

[Regulatory Committee Report 25 September 2015 - Licensing of Hire Vehicles: Protecting Vulnerable Passengers](#)

[Regulatory Committee Report 24 June 2016 - Taxi Examination Centre: Vehicle Inspection Pass Rates](#)

[Regulatory Committee Report 19 September 2016 - Taxi and Private Hire Driver Training Consultation Update](#)

### Paul Lawrance

Executive Director of Place

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## 11. Links

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<b>Coalition Pledges</b>	P15 - Work with public organisations, the private sector and social enterprises to promote Edinburgh to investors. P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city.
<b>Council Priorities</b>	CP8 – A vibrant, sustainable local economy
<b>Single Outcome Agreement</b>	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all.
<b>Appendices</b>	Appendix 1: Membership of the Hire Care Consultation Group Appendix 2: Trade View on CEC Taxi Driver Training Proposal Appendix 3: Proposed Taxi & PHC Training course content

## **Appendix 1 - Membership of the Hire Care Consultation Group**

Cllr Bridgman - Convenor Regulatory Committee

CEC Senior Manger Regulatory Services

CEC Regulatory Operation Manager (Licensing)

CEC Licensing Regulatory Officers

CEC Legal / Licensing

CEC Taxi Examination Centre

Police Scotland (Cab Inspector)

Central Taxis Edinburgh

City Cabs

Persevere Private Hire

Uber

Capital Cars

Comcabs

Scottish Taxi Federation (STF)

Edinburgh Taxi Association (ETA)

Edinburgh City Private Hire (ECPH)

Unite the Union Taxi Branch

## Appendix 2 - Trade View on CEC Taxi Driver Training Proposal

### 1. INTRODUCTION AND BASIS

Further to the recent Hire Car Consultation Group, the Scottish Taxi Federation agreed to advance its proposals for the involvement of the trade in respect of the proposed new training and testing regime for holders, and applicants for the grant, of a taxi driver's licence. This view was to be provided in advance of the proposal reverting back to the Committee, in order that any committee report is able to inform committee members of the view of consultees prior to a decision being made. We have now consulted with other trade representatives and the following represents the trade view which those discussions informed.

### 2. GENERAL

2.1 Taxi trade are disappointed and concerned that a public authority has chosen to advance as support for the training proposal a claimed significant increase in complaints against taxi drivers in circumstances where the underlying data is, on its face and at best, inconclusive in support of that statement. In drawing conclusions from data, no account has been taken of the considerable increase in economic activity in the city over the period for analysis (leading to a considerable increase in taxi journey numbers). The data does not present information to committee on the number of upheld complaints, and the Licensing Authority is accordingly unable to claim with any evidential support that justifiable complaints have risen in the period in percentage terms. Indeed, it appears likely to the trade that, in many categories, the percentages will have decreased calling into question the whole basis advanced for this expensive exercise.

2.2 The trade completes in excess of 15 million taxi journeys a year. According to the figures published and relied upon by the Council, the number of complaints received is infinitesimal in percentage terms relative to the overall total of taxi journeys. The conclusions drawn from the data in the report to committee are wholly misleading. The conclusions and data are contained within a document produced by a public authority for the purposes of justifying regulation under statutory powers and ought properly to be explained in context. The trade is extremely disappointed and concerned that elected members are not being given objectively justifiable data upon which to base their decision.

### 3. CURRENT TRAINING MODULES AND THE TRADE VIEW ON CHANGES AS PRESENTLY PROPOSED

3.1 The trade recognises that the modules presently delivered at Telford College are unsatisfactory and it supports a change to the existing arrangements for training, in particular in respect of testing of new applicants.

3.2 Accordingly, the trade supports the introduction of new Training for Taxi & PHC drivers. However, we have continuing concerns surrounding the extremely limited information available on the proposed content of the course. The advice tendered to the trade is that, at the very least, there is doubt surrounding the extent of the legal authority of the Council to introduce the training in the manner intended, particularly for existing licence holders. Moreover, however, the powers of the Council such as they are extend only to requiring the testing of matters which relate to the operation of a taxi (section 13(5) of the 1982 Act). In circumstances where the proposed content of the Course is uncertain, the trade considers that the elected members upon whom a decision rests have insufficient information before them in order to satisfy themselves that any decision they

make concerning training is one which is within its lawful powers. For example, it would not be sufficient for Officials to present to committee a report stating that “training” will be introduced on a particular basis (e.g. mandatory) and then confer upon officials a wide discretion as to what matters the training will cover. That would involve an unlawful delegation by the authority whose role it is to decide the matter. The present reference to headings and to City and Guilds is, in the view of the trade, wholly insufficient and the discussion at the recent Hire Car Consultation Group meeting made it clear that course content is still very much under discussion. To seek a binding decision on conditions for the grant or renewal of a licence from the Committee which in practice confers discretion on officials as to the “such other matters relating to the operation of a taxi as the Authority consider desirable” is not a decision by the Authority on such matters and their desirability. It would confer decision making in respect of that power on employees of that Authority. There is no such power conferred on employees by the Act. Determining appropriate content which is relevant to the powers under which the decision is purported to be made is accordingly a decision for the Committee, armed with appropriate and adequate information to make that decision. It is clear to the trade that what is presently proposed includes matters (for example, first aid) which, however desirable, has no relevance to the operation of a taxi. The trade considers that the proposal discussed at the most recent hire car consultation group to work up the course content *following* a decision by committee to mandate training makes it clear that, as yet, the course content is uncertain. A decision to mandate training as a condition of the grant or renewal of a licence, leaving aside for now the existence and extent of that power, would be unlawful in these circumstances. The trade would welcome the opportunity to discuss course content further with officials in advance of a properly detailed proposal being put to committee. Indeed, for the reasons which we explain below, the involvement of the trade in course design appears to us to both be essential for its relevance, and also crucial for its legitimacy to be accepted by those to whom it is proposed to be delivered

#### 4. TRAINING CATEGORIES AND FREQUENCY

4.1 There are two groups to whom the proposed 3 day training course relates: Applicants for a licence and Existing licence holders. Additionally, refresher training is proposed for licence holders at intervals of 3 years. The trade view in respect of each is:

##### 4.2 Applicants for Grant

4.2.1 In broad terms, the trade offers its support for a new training programme, including testing, for both Taxi & PHC Drivers. The trade notes the proposal for the Topographical element in the testing regime is to be incorporated into the new scheme for training. There are considerable problems manifested in the operation of the present topographical testing regime, with considerable numbers of applicants now failing first time. While the trade recognises and supports the requirement for taxi drivers to have a high level of knowledge of the streets, places, areas and potential journey routes in the city, there is absolutely no evidence that the previous regime resulted in a poor, or even falling, standard in these areas (as indeed had been represented both by officials and elected members, to the trade’s considerable disappointment). It is understood that the persons marking the paper themselves have no experience of driving a taxi in the city. The trade considers there to be considerable merit in the involvement of experienced members of the trade in the marking regime, such as one would expect to see in the testing regime in any other learning discipline. The trade therefore would welcome the involvement of experienced trade representatives, independent of any external training provider, in the testing regime and in particular in the assessment of papers completed by applicants for the grant of a new taxi driver’s licence, and that in conjunction with officials of

the Council. This can only serve to ensure a high standard and will assist Council officials to gain an understanding of the skills required to provide for high standards in this area.

4.2.2 There are considerable concerns about the lack of any evident consideration on the impact that the proposed new training regime may have on the willingness of persons to enter the trade. Many entrants do not have a history of formal testing or examination and there is little doubt that additional formal requirements, including those for examination, will act as a barrier to the trade. The given rationale for the training is to raise standards, but there is at least the possibility that in erecting a further barrier to those considering entering the trade, the Council's actions will operate to reduce the capacity of the fleet leading to a verifiable decline in customer service. This will impact negatively on the very reputation for hire car services in the city that the Council's proposals are being advanced to enhance. There are at present considerable and growing difficulties in taxi operators securing willing drivers to cover shifts, especially at night. We are disappointed that no apparent consideration has been given to this impact, and no explanation is offered to committee in this regard in order that it may be satisfied that its role in the provision of sufficient numbers of vehicles and drivers to meet demand can be met.

4.2.3 We have been advised that the Training for Taxi and PHC drivers (with the exception of the Topographical element) will be identical, we would appreciate confirmation of this.

#### 4.3 *Existing Licence Holders*

4.3.1 Notwithstanding the trade's legal advice to the effect that the Council has not the power to mandate such training, the trade is broadly in support of proposals to offer training to existing licence holders, albeit without any requirement for them to pass a test. The trade would request to input into how best the training can be phased in for such licence holders.

#### 4.4 *Refresher Training*

4.4.1 The trade does not support the proposal for refresher training on a three yearly cycle. This justification advanced for refresher training is that changes occur in legislation and licensing conditions over the period and licence holders require to be kept informed of such changes. While the trade accepts that change in such matters does occur, history since the enactment of the governing statute in taxi licensing in 1982 suggests change occurs rarely and is very limited over time. So too with Licensing Conditions. Any changes in legislation impacting on taxi drivers, or any alteration to standard conditions of licence, can quite readily be imparted using less disruptive and less expensive methods of communication, such as emailed or messaged updates (most drivers in the trade are, in the trade's experience, quite comfortable with the use of electronic communications technology in 2016) . The refresher training is not to be tested and therefore all it seeks to achieve is to impart information. Accordingly, the trade sees no justification for refresher training with such frequency. The requirements for driving of a taxi cannot be equated with the requirements for practice in highly regulated professional disciplines where daily or weekly change is not uncommon and the imperative for continuous professional development is evident and compelling. That said, the trade does see some value in refresher courses, albeit at more extended intervals. The trade would propose a 6 yearly cycle, with a mechanism introduced to facilitate the imparting of any relevant information concerning changes in legislation, conditions or practice to be introduced utilising

inexpensive modern technologies. This will achieve the stated aims while striking a balance between cost to the trade of keeping abreast with such infrequent developments as may arise. Of course, in the event that a particular individual happens to be identified to the Council as a person displaying a lack of understanding of requirements, the 1982 Act provides the appropriate mechanisms to investigate that issue and for the Council to take action to consider that person's continued fitness to hold a licence to drive a taxi. Further, the trade anticipates and expects that the intended training regime would, given its stated aims and the resources which are intended to be employed within it, be of sufficient depth and quality to have a lasting impact. The proposal for refresher training every three years leads us to conclude that the Council itself lacks a certain confidence in the outcomes of what it proposes and calls into question the very worth of the training. The trade expects that, on reflection, the Council may consider the proposed frequency for refresher training sends entirely the wrong message about its own confidence in what its proposals can achieve in terms of education and raising standards.

## 5 TRAINING THE TRAINERS AND COURSE DESIGN

5.1 As in any educational discipline, the teachers ought to have some substantive knowledge of the subject what which they profess to teach. It is not at all clear to the trade who is expected to deliver the course, or what their qualifications will be to justify their doing so. Clarity on these matters, in order to build confidence in the proposed regime, is requested. In particular, to the extent that modules seek to inform and advise on dealing with situations encountered daily by licence holders while in operation of a licensed vehicle, the trade is concerned that the trainers themselves will have no experience of these situations and we would question how, in those circumstances, the objectives of the training are expected to be met. Those objectives are far more likely to be achieved if the trainees respect the experience and knowledge of the trainer, or at least the substantive information used in design of the course. The involvement, at least in course design, of persons experienced in the trade, who themselves gather information daily on the situations which licence holders face, appears to the trade to be absolutely crucial if the training is to avoid the fate of the reputation held by the Telford Course modules. Given the Council's recognition of the failures in the latter, the trade considers trade involvement to be central to the success of this project. Accordingly, we would welcome further discussions on how this can best be achieved.

## 6 FIRST AID CONCERNS

6.1 Our concerns surrounding the proposal to mandate first aid training (and/or testing thereon) remain considerable. There was very, very limited support for this proposal in the consultation. At the recent consultation group the justification offered for this appeared to be that it is considered by the Council that licence holders would want to help someone in need of first aid. Even if that were correct, it is of no relevance in a question concerning the appropriateness of such training being mandated in terms of powers contained in the 1982 Act. Indeed, this only serves to underline that the Council is proposing to at least raise the inference through the mandating of the training in this subject area, that a licence holder is to be *expected* to administer first aid as part of his or her duties as a holder of a licence. There is no legal basis for the Council mandating training in first aid, as knowledge of and administering of such is quite clearly not relevant to the operation of a taxi. Moreover, the training has been justified generally in reference to the regimes for training adopted by other authorities. Dundee City Council's regime quite correctly removed the

proposal for first aid following concerns raised by trade representatives as to its relevance. We wish it to be clear that the trade has no issue with First Aid being offered as an optional module, with or without testing. It is aught yet to be seen how many licence holders may welcome that opportunity, but it should be limited only to an opportunity and not mandated as a requirement for the grant or renewal of a licence. It follows from this that the cost of delivering first aid training cannot be justifiably met from licence holders who are otherwise required to take mandatory training; its cost should be met by individuals who choose to take the opportunity of such training by way of an additional charge to any person wishing to undertake same. We reiterate that we consider that, in a training regime whose aim is to ensure clarity on legal rights and responsibilities in carrying out the licensable activity, that appropriate steps are taken to convey with absolute clarity to those taking such a course, that the administering of first aid to any person does not form part of the conditions which apply to their licence and that they are advised to consider the extent of their insurance cover should they choose to do so. If reputation of the trade in the city is indeed a concern, we would simply venture that harm caused to a member of the public by a person trained in first aid by the Council brings with it considerable reputational risk, not least to the Council itself.

## 7 WHEELCHAIR ASPECTS

7.1 Concerning training on wheelchairs and accessibility, the trade considers it essential that the training includes accurate information on safe working loads, risk assessment and basic health and safety requirements. We understand that it is proposed that a LTI TX model taxi is used in this aspect of the training. As the Council will be aware, that model represents only a fraction of the entire fleet. The trade considers the aims of the training can best be achieved by recognising the differences which apply to different models, and it appears to us that, in order to be effective, other popular vehicle models, including the Mercedes range, should also be used in the delivery of the training.

Murray Fleming  
General Secretary  
Scottish Taxi Federation  
28<sup>th</sup> October 2016

## **Appendix 3 - Proposed training course content**

### **Health and safety in the taxi and private hire work**

- Know how to ensure health and safety when working in the taxi and private hire sector
- Understand how to prevent and protect driver and customers from potential hazards and risks
- Understand how to respond to an emergency or incident when driving a taxi or private hire vehicle
- Understand how to respond to a range of accidents and first aid emergencies when driving a taxi or private hire vehicle

### **Road safety when driving passengers in a taxi or private hire vehicle**

- Understand factors that can affect a driver's judgement and concentration
- Know how to transport customers in a safe and comfortable manner.

### **Professional customer service in the taxi and private hire industry**

- Understand the importance of providing a professional service in a competitive passenger transport market
- Understand how to deliver quality customer service to all sections of the community
- Know how to work and communicate effectively.

### **Taxi and private hire vehicle maintenance and safety inspections**

- Know how to prepare and clean the vehicle in preparation for fare paying passengers
- Know how to undertake a regular inspection regime to maintain the safety and efficiency of the licensed vehicle and to ensure it meets legal requirements.
- Know how to monitor vehicle systems between service intervals and inspections.
- Understand the requirements, conditions and management of operating forward facing and Internal security cameras

### **The regulatory framework of the taxi and private hire industry**

- Understand how to meet the requirements to hold and retain a licence to drive and work within the taxi and private hire industry
- Know the requirements of the licensing authority in relation to taxi or private hire vehicles
- Know how to work within the regulatory framework for carrying passengers for hire and reward
- Know how to discharge the duties and responsibilities of a licensed operator
- Licensing Conditions and Legislative requirements
- Enforcement

### **Taxi and private hire services for passengers who require assistance**

- Understand anti-discriminatory legislation

- Understand how to recognise when passengers require assistance
- Understand how to provide an appropriate service for customers who may experience difficulties in using taxis and private hire vehicles
- Know how to provide safe wheelchair assistance to customers who require transfer to an accessible vehicle
- Understand how to provide an appropriate service for customers who have assistance dogs
- Understand the role and requirements associated with of Exemption Certificates

### **Routes and fares in the taxi and private hire vehicle industries**

- Know how to use map reading and navigational tools
- Know rules, safety measures and restrictions related to picking up and setting down passengers
- Know how to accurately charge out a fare for transporting passengers within a hire and reward system

### **Transporting of parcels, luggage and other items in the taxi and private hire industries**

- Understand how to accept and load parcels, luggage and other items for transporting
- Know how to carry out lost property checks and take the appropriate steps to source the owner

### **Transporting of children and young persons by taxi or private hire vehicle**

- Understand the role of the driver in ensuring that the vehicle and its ancillary components are fit for purpose
- Understand how to safely pick up and transport children and young persons to a destination point where they can be safely handed over to an authorised person
- Understand the role of the drivers in preventing Child Sexual Exploitation and protection of Vulnerable adults

# Regulatory Committee

10:00am, Monday, 21 November 2016

## Licensing Policy Development - Taxi, Private Hire Car and Driver Licence Conditions Consultation Update

<b>Item number</b>	6.4
<b>Report number</b>	
<b>Executive/routine</b>	Executive
<b>Wards</b>	All

### Executive Summary

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The Council licenses taxis, private hire cars (PHCs) and associated drivers under the Civic Government (Scotland) Act 1982.

The Council has adopted detailed conditions for each licence type.

The current set of conditions dates from 20 June 2006. The book of conditions was last amended on 9 December 2009.

A number of conditions have been amended, introduced or replaced since that date. This report sets out to consolidate these changes into one document and update the conditions to reflect legislative changes.

This report updates the Committee on the outcome of the consultation on the licensing conditions for Taxis, Private Hire Cars (PHCs) and their Drivers and a proposal to consolidate previous amendments and changes into one document. The consultation ran from 18 December 2016 until 29 January 2016.

### Links

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<b>Coalition Pledges</b>	P15 P28
<b>Council Priorities</b>	CO8
<b>Single Outcome Agreement</b>	SO1

## Licensing Policy Development - Taxi and Private Hire Driver Training Consultation Update

### 1. Recommendations

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It is recommended that the Committee:

- 1.1 notes the proposals and agrees to approve the proposed revised licensing conditions for Taxis, Private Hire Cars and their Drivers set out at Appendix 5. These conditions shall be effective on any grant or renewal of any licence from 1 December 2016.

### 2. Background

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- 2.1 The Civic Government (Scotland) Act 1982 creates a two tier licensing regime for taxis and Private Hire Cars (PHCs). The City of Edinburgh Council exercised its powers to license taxis, PHCs and their drivers in 1983.
- 2.2 The City of Edinburgh Council, having exercised its powers to license taxis, PHCs and their drivers, has adopted licensing conditions which enable it to manage and control their operation within Edinburgh
- 2.3 Licensed taxi and PHC operators and drivers are required to comply with the conditions laid down in the booklet entitled 'Licensing Conditions for Taxis, Private Hire Cars and their Drivers'. These conditions date from 20 June 2006, and were last amended on 9 December 2009.
- 2.4 It is essential that the conditions are accurate and relevant, because a breach of licensing conditions is a criminal offence and may lead to a suspension of licence.
- 2.5 The licensing conditions take cognisance of the 'Scottish Government, Taxi and Private Hire Car licensing: Best Practice guidance for Licensing Authorities, second edition April 2012.' The guidance offers best practice advice to licensing authorities on a range of issues relating to the licensing of taxis, private hire cars and their drivers.
- 2.6 Within the existing work plan the Committee agreed to look at the conditions for both taxis and PHCs, to enable consolidation of previous amendments and changes into one document and to update legislative changes and practice.
- 2.7 Council officers conducted a review of existing licensing conditions published in December 2009 (Appendix 1) and identified a number of changes to policy and conditions that have been made since that date. In addition, the operation and

management of the Taxi Examination Centre transferred from Police Scotland to the Council on 1 November 2014.

- 2.8 The review also identified a number of conditions which no longer reflected common practise or legislative changes, including those relating to:
- the role of the Cab Inspector;
  - the Taxi Examination Centre;
  - wheelchair accessible vehicles;
  - assistance dogs;
  - drivers' medicals; and
  - medical exemption certificates
- 2.9 Officers updated and produced proposed conditions. There were no new or significant changes or amendments to the conditions that would place an unreasonable burden on the trade.
- 2.10 In line with statutory requirements the conditions were required to be consulted on. The consultation ran from 18 December 2016 until 29 January 2016.
- 2.11 There are currently 1,316 licensed taxis in Edinburgh operated by approximately 3,456 taxi drivers, and 1,302 PHCs operated by approximately 1,875 PHC drivers.

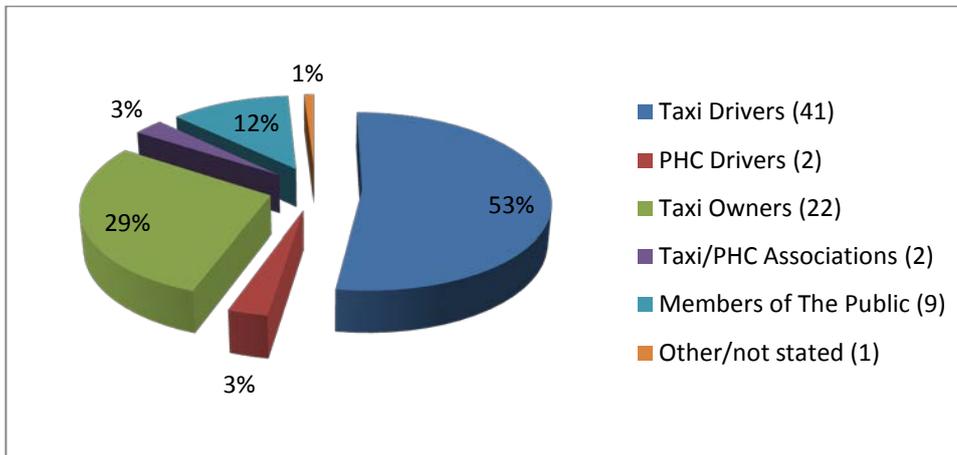
### **3. Main report**

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- 3.1 The taxi and private hire trade are vitally important to the economic and social wellbeing of the City of Edinburgh. For visitors to the city, a taxi or PHC driver will often be the first point of contact they have. Many permanent residents of the city, particularly disabled people, depend on the provision of high quality taxi and private hire services to sustain and enhance their quality of life. The conditions are designed to set standards and enable the City of Edinburgh Council to manage and control the operation of taxis and PHCs within Edinburgh.

#### **Consultation**

- 3.2 There were a total of 77 responses submitted to the Council Online Consultation Hub survey (see Appendices 2 & 3). A number did not respond to all or the questions. In addition to the online survey a further seven written and email responses were received (Appendix 4).
- 3.3 The responders were subdivided into six distinct groups: Taxi drivers, PHC Drivers, Taxi owners; Taxi/PHC Associations; members of the public; and other or not stated:
- 41 responses were received from Taxi drivers (53%)
  - 2 responses were received from PHC drivers (3%)
  - 22 responses were received from Taxi owners (29%)
  - 2 responses were received from Taxi / PHC Associations (3%)
  - 9 responses were received from members of the public (12%)
  - 1 response was received from other or not stated (1%)



The results of the online consultation are contained in Appendices 2-3.

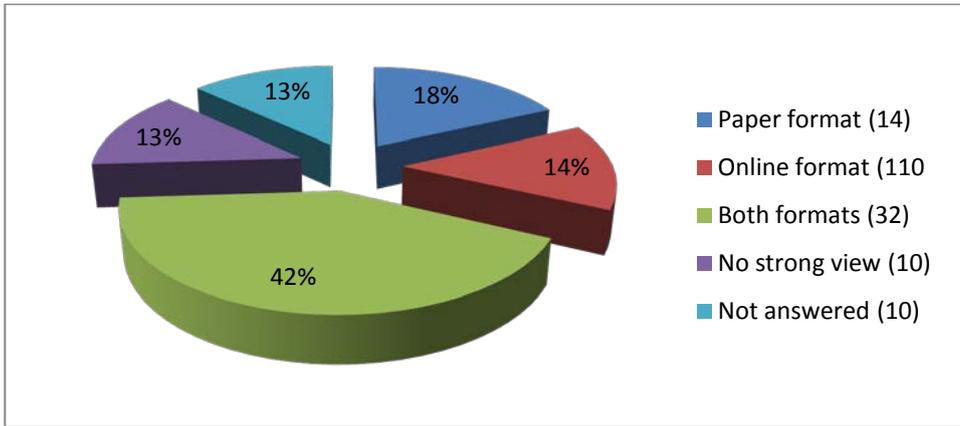
- 3.4 No responses were received from PHC Hire Car owners, training providers or local businesses.
- 3.5 The written comments linked to the online questions (Appendix 3) provide additional information, much of which highlights the level of understanding in respect of existing conditions.

**Question 1**

- 3.6 “Since 2006, the licensing conditions have been amended on a number of occasions. Do you require any additional support or training on either the content or requirements of the conditions?”
- 3.7 Only 67 of the respondents answered this question and all 67 answered no to the question
- 3.8 Training has been subject of a full consultation process, as previously reported to the Committee. Training and refresher training is considered to be essential in most professions where the safety of the public is in the hands of professional drivers. Currently, once drivers are licensed as either Taxi or PHC drivers, there is no requirement to undertake any further training, nor is there a mechanism that creates an environment where drivers can update their knowledge of licensing conditions.

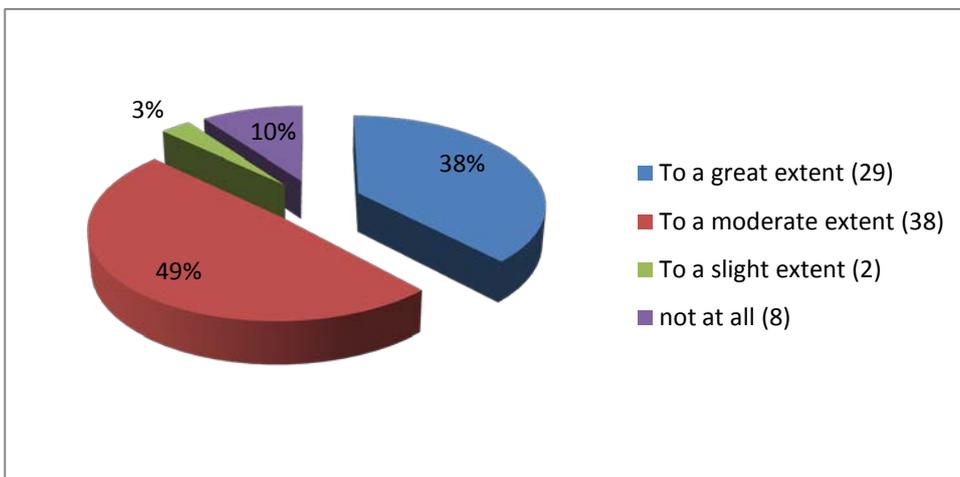
**Question 2**

- 3.9 “The licensing conditions are currently produced as a booklet, which is sent out at the time of the grant of a licence. Which of the following formats would you prefer the conditions to be available in?”
- 3.10 No strong view was expressed in respect of this question, the general consensus being that the conditions are available in both hard copy and electronic format.



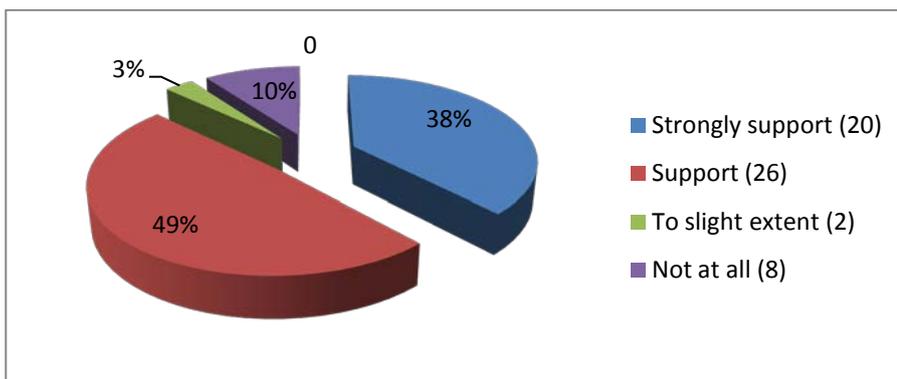
**Question 3**

3.11 “To what extent are you aware of the current level of enforcement action in respect of a breach of licensing conditions?”



**Question 4**

3.12 “To what extent would you support or oppose an increase in enforcement activity in respect of a breach of licensing conditions?”



**Question 5**

3.13 “Please use the space below for any comments or suggestions about the proposed taxi and private hire vehicle and driver conditions”.

3.14 The responses are included in Appendix 3 and have been used to inform the content of this report

## **Question 6**

3.15 “Is there anything else you would like to see included in future reviews of the licensing conditions?”

3.16 The responses are included in Appendix 3 and identified:

- further guidance on passenger assistance
- increased enforcement activity
- English language requirement
- the impact of modern technology, specifically booking apps
- use of bus lanes

### **Written letters and email responses**

3.17 In addition to four email responses, detailed letters of response were received from Police Scotland, the Scottish Taxi Federation and UBER (see Appendix 4)

3.18 There is a common thread throughout the written consultation responses:

- standardisation of terminology and use of definitions
- insurance
- condition of vehicles
- wheelchairs, ramps
- passenger assistance
- receipts
- notification of convictions
- smoking/electronic cigarettes
- mobile phones

### **Standardisation of terminology and use of definitions**

3.19 Concern was expressed about the use of terminology and definitions throughout the proposed conditions document e.g. “To operate effectively, once defined the defined term (normally identified with a capital letter at start of each word) requires to be used consistently throughout the document” and “The definitions are, at times a little difficult to comprehend”.

3.20 The proposed conditions have been updated to address the concerns raised.

### **Insurance**

3.21 The trade highlighted that the proposed condition in respect of Insurance will place a significant burden on the trade and is unnecessary. They advise that the policy objective should be to ensure that at all times there is a valid policy of motor insurance as required by section 143 of the 1988 Act, and which covers the insured risks to the driver, passengers, other road users and the public from the operation of the vehicle.

- 3.22 When a licence is applied for by a person other than a natural person (i.e. the applicant is a company or partnership), the licence application must specify the person who is to carry on the day-to-day management (para 1(2)(c)(iv) of schedule 1 of the 1982 Act). Any licence granted by the Council to a person other than a natural person must be issued in the joint names of the company/partnership and the manager (by virtue of paragraph 5(8) of schedule 1 of the 1982 Act).
- 3.23 The previous condition simply required that “Where there is more than one licence holder, the vehicle registration document and the certificate of insurance shall be in the name of at least one of these holders” It is proposed that the Council reverts to this condition.

### **Condition of Vehicles**

- 3.24 The trade raised concerns about the condition which requires that vehicles are free from dents or damage. They highlight that operating a vehicle for 24 hour periods on this city’s roads will inevitably give rise to small dents through chips from the road coming into contact with the vehicle. This may cause a dent, or damage. Many of these will be imperceptible to the eye without very close inspection. The trade proposal is that there should be a qualification to this condition to the extent that the dent or damage is visible without close inspection.
- 3.25 Edinburgh has consistently maintained a high standard of vehicles within the taxi and Private Hire car fleet. The test is one of reasonableness and it is not proposed to change this condition.

### **Wheelchair ramps**

- 3.26 The Council has previously received a number of complaints concerning the service provided to wheelchair passengers. This was reported to the Committee on 23 June 2015, when a plan of action was approved to address the concerns identified through the investigation of complaints. As part of the ongoing action plan and enforcement activity, it was identified that further clarity was required in respect of the licensing condition on the transportation of wheelchairs. The proposed condition is already in operation in West Lothian, which shares the use of the Taxi Examination Centre. No difficulties have been identified in respect of the operation of this condition in West Lothian.
- 3.27 The trade highlights that “the policy objective must be to ensure that working ramps are on board at all times when the vehicle is available for carrying wheelchair users”; “Owners may (responsibly) own more than one set of ramps”; “engraving of ramps will be expensive and there appears no clear licensing rationale for this requirement”; and “The requirement for a safe working load to be certified is another area of uncertainty”.
- 3.28 It is not an unreasonable expectation that drivers should be aware of the safe working load of ramps, and that drivers are properly trained in the use of ramps or lift. Public safety should be of paramount importance, and it is not proposed to change the condition.

### **Passenger assistance**

- 3.29 Conditions currently require that “drivers assist passengers travelling within wheelchairs to access the Licensed Vehicle using the ramp and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey.”
- 3.30 The trade highlights that drivers are not medical or care professionals, and the Licensing Authority training provided does not meet that standard (and is unlikely ever to do so).
- 3.31 A training proposal is the subject of a separate report to the Committee, and a module on passenger assistance is included in the current training syllabus. Previous training has highlighted the importance of drivers carrying out their own risk assessment.
- 3.32 In addition, the trade highlights “It is not clear what “assist” the passenger to get out of the wheelchair and into a seat and back into a wheelchair actually entails”. The condition does require that “they are properly secured by means of the fixed seatbelts before starting the journey”. Vehicles carry additional restraints specifically for wheelchair users. The current condition does not impose a condition that requires a driver to assist a wheelchair to get out of the wheelchair and into a seat.
- 3.33 The test is one of reasonableness. It is not proposed to change this condition.

### **Receipts**

- 3.34 The existing licensing condition required a signed receipt if requested. The condition was extended to include details of the driver, which in principle is not considered to be unreasonable.
- 3.35 The trade identified that the vast majority of taxis and private hire vehicles operating in the city issue receipts electronically, and without the name of the driver.
- 3.36 It is proposed that the condition is amended to allow electronic receipts but to retain the requirement for the driver’s name.

### **Notification of convictions**

- 3.37 It was proposed to introduce a licensing condition requiring licence holders to notify the council if they were charged or convicted of a crime or offence; given any form of official warning or fixed penalty notice; or had their licence endorsed by DVLA. Disclosure shall include any offence for which the court has admonished the offender as committee will recall this counts as a conviction. The provision mirrors conditions introduced by other local authorities and in other licensing regimes (Licensing (Scotland) Act 2005).
- 3.38 Concern has been expressed by the trade that the imposition of the proposed conditions means that the Licensing Authority is going beyond that required of

licence holders by the 1982 Act and accordingly the trade consider it to be *ultra vires*.

- 3.39 The concerns are acknowledged, however the condition is considered reasonable in terms of public safety and no change is proposed to the draft conditions.

### **Smoking / Electronic cigarettes**

- 3.40 E-cigarettes fall outside the scope of smoke free legislation, as the act of smoking requires a substance to be burnt. Advertising for E-cigarettes focuses on them being substitutes for cigarettes, and often they are used as an aid to stop smoking. However the long term effects of e-cigarettes are unknown, the use of e-cigarettes whilst driving are considered to be a distraction, the vapours may create an unpleasant environment and could potentially provide a health risk for others through passive consumption (like passive smoking).
- 3.41 It is not proposed to change this condition.

### **Mobile phones**

- 3.42 On December 1, 2003, the Road Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 2003 came into force to prohibit drivers from using a hand-held mobile phone, or similar device, while driving. The legislation did not extend to the use of hands-free mobile devices.
- 3.43 The trade has expressed concerns that the condition is unreasonable and can see no justification for its introduction. The majority of taxi and PHC companies operate with a range of mobile devices including hands free and satellite navigations systems, and see this condition as a barrier to trade.
- 3.44 The Royal Society for the Prevention of Accidents has produced detailed guidance on the use of mobile phones and the associated risks.
- 3.45 Since the introduction of the legislation a substantial body of research shows that using a hand-held or hands-free mobile phone while driving is a significant distraction, and substantially increases the risk of the driver crashing. Drivers who use a mobile phone, whether hand-held or hands-free:
- are much less aware of what is happening on the road around them
  - fail to see road signs
  - fail to maintain proper lane control
  - are more likely to tail gate the vehicle in front
  - react more slowly, take longer to brake and longer to stop
  - are more likely to enter unsafe gaps in traffic
  - feel more stressed and frustrated.

They are also four times more likely to crash, injuring themselves or other people. Using a hands-free phone while driving does not significantly reduce the risks

because the problems are caused mainly by the mental distraction and divided attention of taking part in a phone conversation at the same time as driving

3.46 It is not proposed to change this condition

## **Role of the Police/Cab Inspector**

- 3.47 Following the transfer of the functions of the Taxi Examination Centre from Police Scotland to the Council, the role of the Cab Inspector has changed significantly. This has a specific impact in relation to management responsibility of the examination centre and the authority to ensure that the licensing conditions are properly observed and implemented. Responsibility for the licensing conditions now revert to the Local Authority, and the role of the Cab Inspector is one of enforcement and compliance with the relevant conditions and legislation. The proposed conditions were amended to reflect the change in roles.
- 3.48 Police Scotland identified a number of concerns regarding the draft conditions specifically the role of the Cab Inspector as an authorised officer, and his ability to authorise other police officers.
- 3.49 To address these concerns it is proposed that the definition of Authorised Officer is amended to include the Cab Inspector. The authority to 'Authorise Officers' lies with the local authority not the Cab Inspector. It may be appropriate to consider extending the definition of Authorised Officers to include Police Scotland- authorised vehicle examiners.

## **4. Measures of success**

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- 4.1 A wide-ranging and clear consultation and engagement process that demonstrates customer focus and commitment to listening to all stakeholders.
- 4.2 That the standard of taxi and PHC drivers is elevated to a level that is expected in a capital city, delivering improvements that create:
- a) safe and efficient transport options for residents and visitors alike;
  - b) a fleet of professional drivers working throughout the city;
  - c) an improved and standardised working environment for all drivers
- 4.3 That taxis and PHCs continue to be licensed appropriately.

## **5. Financial impact**

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- 5.1 None arising directly from this report. The Council's scale of fees for licensing applications was approved with effect from 1 April 2016. Any costs from implementing policy changes will be contained within the current ring-fenced income generated from licensing fees.

## **6. Risk, policy, compliance and governance impact**

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- 6.1 The development of policy in respect of the licensing of taxi and PHC drivers is part of a wider policy-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the Taxi Licensing Policy is consistent with these.

- 6.2 There is a risk that any decision to amend or change existing conditions could be subject to legal challenge and may be appealed to the Sheriff.

## 7. Equalities impact

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- 7.1 An ERIA has been developed and following consultation any impacts, direct or otherwise, on any group of people with one or more protected characteristic, will be reported to the Committee.

## 8. Sustainability impact

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- 8.1 There is no environmental impact arising from the contents of this report.

## 9. Consultation and engagement

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- 9.1 The consultation commenced on 29 October and finished on 15 December 2015. Details of the consultation are detailed in Appendix 1.
- 9.2 The consultation took the form of an online questionnaire which was published on the Council consultation hub. The responses are detailed in Appendices 2 and 3. A number of written and email responses were also received, as detailed in Appendices 4.

## 10. Background reading/external references

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- 10.1 [Taxi and Private Hire Car Licensing: Best Practice Guidance for Licensing Authorities, Second edition April 2012](#)
- 10.2 [Regulatory Committee Report 25 September 2015 - Update to Taxi & Private Hire Car and Driver licence conditions](#)
- 10.3 [ROSPA - Road safety guidance on use of mobile phones](#)

## Susan Mooney

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## 11. Links

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<b>Coalition Pledges</b>	P15 - Work with public organisations, the private sector and social enterprises to promote Edinburgh to investors. P28 - Further strengthen our links with the business community by
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<b>Council Priorities</b>	developing and implementing strategies to promote and protect the economic well being of the city.
<b>Single Outcome Agreement</b>	CO8 - Edinburgh's economy creates and sustains job opportunities.
<b>Appendices</b>	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all.
	Appendix 1: Online consultation questionnaire
	Appendix 2: Online consultation questionnaire responses
	Appendix 3: Online consultation questionnaire written responses
	Appendix 4: Consultation written letter and email responses
	Appendix 5: Proposed conditions

## Appendix 1: Online consultation questionnaire

### Licensing Conditions for Taxis, Private Hire Cars (PHC) and Taxi & PHC Drivers

#### Overview

The City of Edinburgh Council, having exercised its powers to license taxis, Private Hire Cars (PHCs) and their drivers, has adopted licensing conditions which enable it to manage and control their operation within Edinburgh.

Licensed taxis and PHCs are required to comply with the conditions laid down in the booklet entitled 'Licensing Conditions for Taxis, Private Hire Cars and their Drivers'. These conditions date from 20 June 2006, and were last amended on 9 December 2009. It is essential that the conditions are accurate and relevant, because a breach of licensing conditions is a criminal offence and may lead to a suspension of licence.

Council officers have conducted a review of existing licensing conditions and have identified a number of changes to policy and conditions that have occurred since that date. In addition, the operation and management of the Taxi Examination Centre transferred from Police Scotland to the Council on 1 November 2014.

The review looked at the conditions for both taxis and PHC's and updates previous policy amendments and changes into one document and updates legislative changes and practice.

The review also identified a number of conditions which no longer reflected common practise or legislative changes, including:

- the role of the Cab Inspector;
- the Taxi Examination Centre;
- wheel chair accessible vehicles;
- assistance dogs;
- drivers' medicals; and
- medical exemption certificates.

#### Why we are consulting

While there are no significant changes or amendments to the conditions that would place an unreasonable burden on the trade, the Council welcomes your views on the revised conditions for the city's taxi and private hire vehicles and drivers.

You can [download a copy of the proposed conditions](#). The main changes to the conditions have been highlighted in yellow for ease of reference.

#### Introduction

You can [download a copy of the proposed conditions](#). If you download a copy, the licensing conditions will pop up in a separate window (allowing you to refer to them while you complete the survey).

Alternatively, you can view a copy of the proposed licensing conditions below.

The main changes to the conditions have been highlighted in yellow for ease of reference.

**1 What is your email address?**

This is optional, but if you enter your email address then you will be able to return to edit your consultation at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation.

Email

**2 In what capacity are you responding to this survey?**

*Please select only one item*

- Taxi Driver
- Private Hire Driver
- Taxi Vehicle Owner
- Private Hire Car Owner
- Taxi / PHC Association
- Training Provider
- Business
- Member of the public
- Other (Please state)

## Licensing Conditions

**1 Since 2006, the licensing conditions have been amended on a number of occasions. Do you require any additional support or training on either the content or requirements of the conditions?**

*Please select only one item*

- Yes
- No

If yes, please briefly describe what additional support or training you require and provide your name and preferred contact details.

**2 The licensing conditions are currently produced as a booklet, which is sent out at the time of the grant of a licence. Which of the following formats would you prefer the conditions to be made available in?**

*Please select only one item*

- Paper format, sent when a licence is granted
- Online format, available on the Council's website
- Both formats
- No strong view one way or the other

## Licensing Conditions

**1** To what extent are you aware of the current level of enforcement action in respect of a breach of licensing conditions?

*Please select only one item*

- To a great extent
- To a moderate extent
- To a slight extent
- Not at all

**2** To what extent would you support or oppose an increase in enforcement activity in respect of a breach of licensing conditions?

*Please select only one item*

- Strongly support
- Support
- Neither support nor oppose
- Oppose
- Strongly oppose
- Don't know

**3** Please use the space below for any comments or suggestions about the proposed taxi and private hire vehicle and driver conditions.

**4** Is there anything else you would like to see included in future reviews of the licensing conditions?

## Appendix 2: Online consultation questionnaire responses



### Licensing Conditions for Taxis, Private Hire Cars (PHC) and Taxi & PHC Drivers: Summary report

This report was created on Monday 01 February 2016 at 09:57.

The consultation ran from 18/12/2015 to 29/01/2016.

#### Contents

Question 1: What is your email address?	1
Email	1
Question 2: In what capacity are you responding to this survey?	2
In what capacity are you responding to this survey?	2
Other (please state)	2
Question 1: Since 2006, the licensing conditions have been amended on a number of occasions. Do you require any additional support or training on either the content or requirements of the conditions?	2
Do you require any additional support or training on either the content or requirements of the conditions?	2
If yes, please briefly describe what additional support or training you require and provide your name and preferred contact details.	3
Question 2: The licensing conditions are currently produced as a booklet, which is sent out at the time of the grant of a licence. Which of the following formats would you prefer the conditions to be made available in?	3
In which of the following formats would you prefer the conditions to be made available?	3
Question 1: To what extent are you aware of the current level of enforcement action in respect of a breach of licensing conditions?	3
To what extent are you aware of the current level of enforcement action in respect of a breach of licensing conditions?	3
Question 2: To what extent would you support or oppose an increase in enforcement activity in respect of a breach of licensing conditions?	4
To what extent would you support or oppose an increase in enforcement activity in respect of a breach of licensing conditions?	4
Question 3: Please use the space below for any comments or suggestions about the proposed taxi and private hire vehicle and driver conditions.	4
Please use the space below for any comments or suggestions about the proposed taxi and private hire vehicle and driver conditions.	4
Question 4: Is there anything else you would like to see included in future reviews of the licensing conditions?	4
Is there anything else you would like to see included in future reviews of the licensing conditions?	4

#### Question 1: What is your email address?

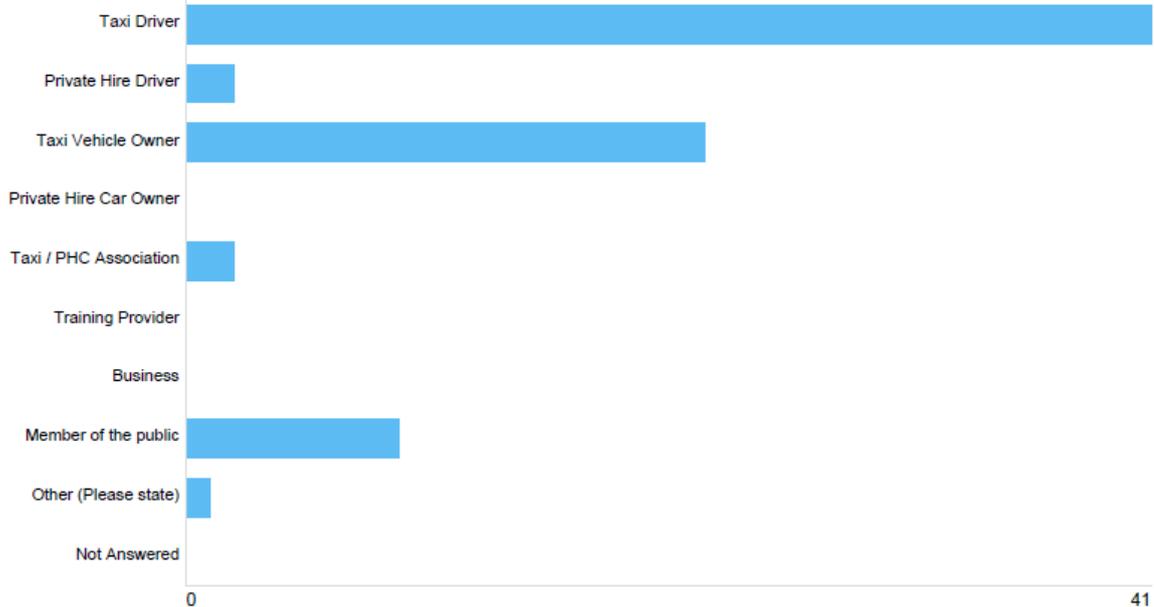
##### *Email*

There were 54 responses to this part of the question.



**Question 2: In what capacity are you responding to this survey?**

*In what capacity are you responding to this survey?*



Option	Total	Percent
Taxi Driver	41	53.25%
Private Hire Driver	2	2.60%
Taxi Vehicle Owner	22	28.57%
Private Hire Car Owner	0	0%
Taxi / PHC Association	2	2.60%
Training Provider	0	0%
Business	0	0%
Member of the public	9	11.69%
Other (Please state)	1	1.30%
Not Answered	0	0%

**Other (please state)**

There were 2 responses to this part of the question.

**Question 1: Since 2006, the licensing conditions have been amended on a number of occasions. Do you require any additional support or training on either the content or requirements of the conditions?**

*Do you require any additional support or training on either the content or requirements of the conditions?*





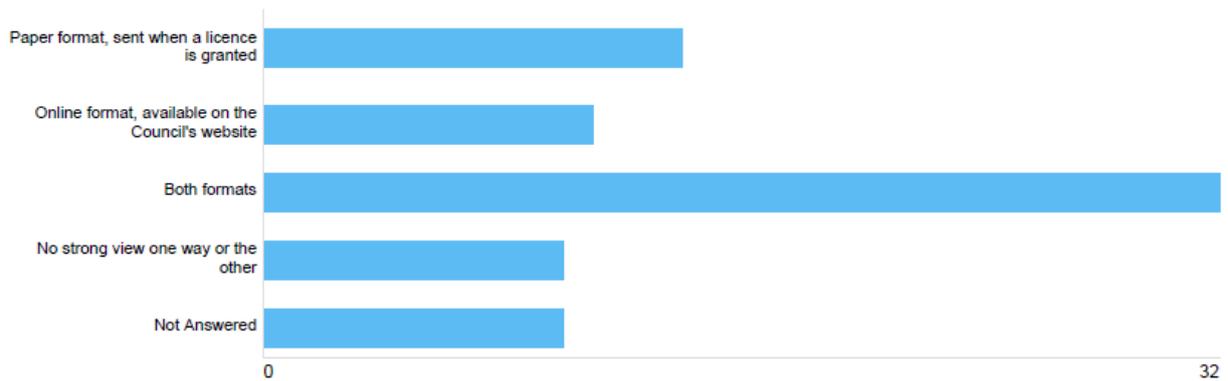
Option	Total	Percent
Yes	0	0%
No	67	87.01%
Not Answered	10	12.99%

*If yes, please briefly describe what additional support or training you require and provide your name and preferred contact details.*

There were 0 responses to this part of the question.

**Question 2: The licensing conditions are currently produced as a booklet, which is sent out at the time of the grant of a licence. Which of the following formats would you prefer the conditions to be made available in?**

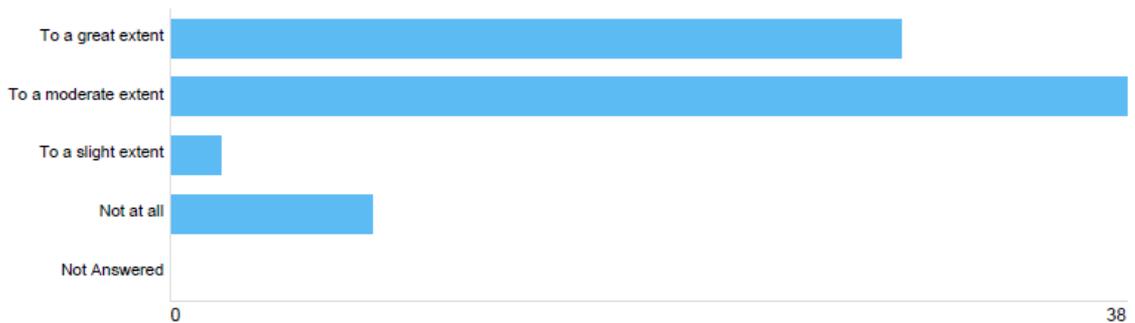
*In which of the following formats would you prefer the conditions to be made available?*



Option	Total	Percent
Paper format, sent when a licence is granted	14	18.18%
Online format, available on the Council's website	11	14.29%
Both formats	32	41.56%
No strong view one way or the other	10	12.99%
Not Answered	10	12.99%

**Question 1: To what extent are you aware of the current level of enforcement action in respect of a breach of licensing conditions?**

*To what extent are you aware of the current level of enforcement action in respect of a breach of licensing conditions?*

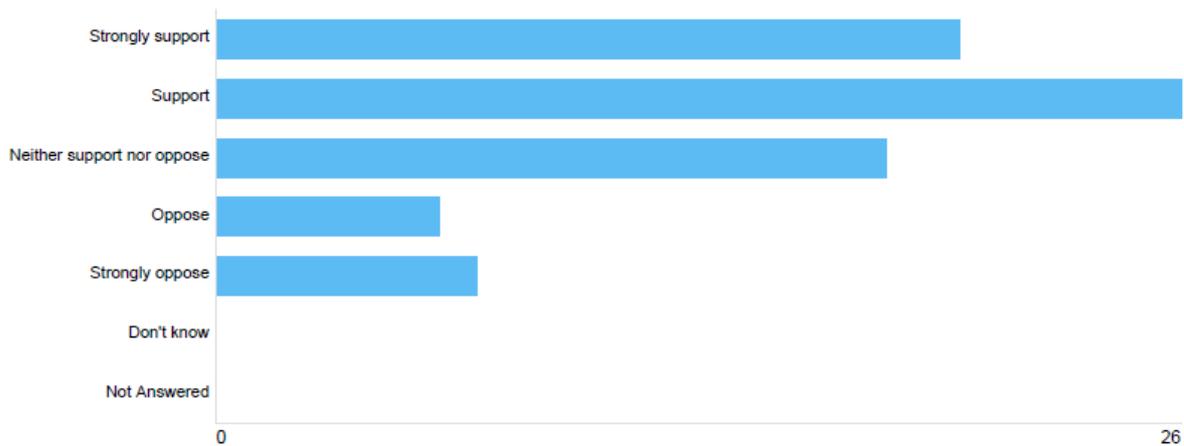




Option	Total	Percent
To a great extent	29	37.66%
To a moderate extent	38	49.35%
To a slight extent	2	2.60%
Not at all	8	10.39%
Not Answered	0	0%

**Question 2: To what extent would you support or oppose an increase in enforcement activity in respect of a breach of licensing conditions?**

*To what extent would you support or oppose an increase in enforcement activity in respect of a breach of licensing conditions?*



Option	Total	Percent
Strongly support	20	25.97%
Support	26	33.77%
Neither support nor oppose	18	23.38%
Oppose	6	7.79%
Strongly oppose	7	9.09%
Don't know	0	0%
Not Answered	0	0%

**Question 3: Please use the space below for any comments or suggestions about the proposed taxi and private hire vehicle and driver conditions.**

*Please use the space below for any comments or suggestions about the proposed taxi and private hire vehicle and driver conditions.*

There were 50 responses to this part of the question.

**Question 4: Is there anything else you would like to see included in future reviews of the licensing conditions?**

*Is there anything else you would like to see included in future reviews of the licensing conditions?*

There were 31 responses to this part of the question.

### Appendix 3: Online consultation questionnaire written responses

Please use the space below for any comments or suggestions about the proposed taxi and private hire vehicle and driver conditions.

The proposed naming of all partners on the insurance certificate is unnecessary and would cause problems getting no claim bonuses , also problems with the policy having multiple persons. This has been covered by the day to day manager. The wheelchair ramp weight certificate is also unfair as this also would cause another cash burdon on the taxi owners, this should be taken up by the council , the refusal of forward facing cameras is another point as these are used for insurance purposes only, hands free phone kits are used in most cases and to ban the use of this system would I feel interfere with a drivers human rights as he would be unable to be contacted in an emergency !

It appears that the council sees taxi drivers as a cash cow these days , changes that all add to the cost of running a taxi from the increase in vehicle test costs to doin away with 2 year briefs . Who is goin to pay for the costs of these new changes and is it fair as a joint owner of taxi myself and partner will lose any no claims bonus (9) years with these new changes ? Why wouldn't a driver be allowed to talk on phone with Bluetooth when passenger is in back ? Seriously I think the council have more serious issues to address ie ranks ( or lack of) and the road surfaces which are an absolute joke , I could give you a list of about 1000 potholes in the city that get worse by the day due to incompetent work/repairs and the lack of checks . It seems that every year the council comes up with some new cash generating scheme . It would be helpful if the council put more time into sorting the taxi ranks in town and especially at train stations instead of getting moved from pillar to post every few months and having punters guessing where they have to try a grab a taxi this month .

I object to the new requirement that the name on the insurance certificate and vehicle registration document be in the name of the company whose name the licence is held. As I understand it the vehicle registration document only shows the name of the keeper of the vehicle of which this is the same as the responsible person that the council requests on licence application. Putting this into the company name creates another tier of information that serves no purpose. It would hinder investigation by police as the would then need to find out who is responsible. As far as insurance requirement goes this again serves no benefit as would create an extra layer of information. Insurance in company name with named drivers including policy holder . My company in which holds the licence is a dormant company which does not trade. I submit a dormant company tax return every year yet this would create extra inconvenience and expense to me but with no actual change in my business at all.

As far as safe working limit being provided as to wheelchair ramps then this I feel would lead to more passengers being refused as many would appear to be over the safe limit. It would be preferable to err on the side of caution rather than risk injury or damage to persons or equipment. Would the council then accept the drivers decision when the inevitable complaints come in regarding the disabiliy discrimination act? I also know that standard ambulances do not take in electric wheelchairs referring them to PTS and they also will not take anyone in whilst sitting within their wheelchair, yet your conditions do not take in to account any of this. Where in the conditions do you mention bariatric customers and the rights of the driver to refuse to convey them if they cannot get in to the taxi unaided.

ref: Driver behaviour 140.

I'm a ex-smoker and ex-e-cigger. Distorting information from the World Health Organisation study group on tobacco regulations and using it to fit with an anti-smoking agenda to discriminate against non-tobacco smoking, e-cig vapour using drivers, would be a 'kangaroo court' decision. E-cig water vapour (steam) is 'as safe as inhaling air' 'Electronic cigarettes pump out vapour which has NO toxic effect on the cells found in human lungs, scientists have claimed.' <http://www.mirror.co.uk/news/technology-science/technology/e-cigarette-vapour-no-toxic-effect-6072036>

(1) if the council want taxi drivers to be city and guilds why are they not doing the same with bus drivers bin drivers and all the other people who drive for the councils victimisation that's what that is ps tram drivers the c/g certificate is of no use at getting other employment when u leave the taxi trade and their is a big turnover of drivers. (2) since the smoking ban came in no one is allowed to smoke in a cab not even a vapour stick and the general public no this (3) it is not against British law to use a mobile phone in any vehicle as long as it hands free even the police would find it impossible to take any action on this matter I also find that the council are leaving thier self open to victimisation on several matters would the council like to tell the public they can not use a mobile phone in a taxi as well if I use a hands free in the cab I still have 2 hand on wheel and still in control of cab in that case is it against the law to put ur destination in your pda system to let controll know where you going or dropping off

The proposal to put the insurance document in the name of the company could see owners losing their no claims bonus and large increase in their premiums.

The vehicle registration in the company name could also see an increase to owners in terms of tax as the vehicle could not be used to reduce the tax liability.

Most companies are dormant and any change to this would cause owners problems when it comes to accounts and tax returns.both of the above would cUse problems.

The wheelchair ramp having load/weight restrictions would not have any benefit for passenger or driver as you have no way of knowing what weight you are about to load onto the ramp (unless a set of scales is provided). The registration number being etched/stamped onto the ramps may help the cab office at inspection time for those trying to circumvent the test but is of very little use otherwise.

Being charged with an offence does not mean you are guilty. You should only have to inform if you are found guilty and not for driving offences (3pts)

Having to inform CEC of any offence, including driving fp, within 10 days is impractical and could see the licensing section overloaded recording these offences.

Requiring owners to inform CEC if any driver is "may" have committed an offence is again is impractical. This is a police matter and an owners suspicion is not enough.

Medical condition - we are not medical professionals and are therefore not qualified to say whether or not a driver is fit to drive.

Using illegal drugs - this is a police matter and not CEC owners are not qualified to say whether or not drivers are using drugs.

While I feel the recent surge in ensuring all taxis comply with the licensing conditions regarding the conveyance of wheelchair passengers is a good thing I think the marking of the ramps with a plate is an unnecessary step since most cabs ramps are fixed. If there is an issue with ramps from unfixed vehicles being swapped at test time then perhaps random spot checks would be a more practical and cost effective solution.

Regarding the change to hands free communication devices I feel this would be a huge step backwards. Mobile technology has been a great benefit to the taxi driver over the years. It allows

the drivers to keep in touch with each other, pass on useful real time information and also assist each other if there is any kind of issue while conveying a passenger. Driving a cab alone with five people in the back at all hours of the day and night can be lonely and sometimes even an intimidating environment and I feel to lose the ability to converse with our colleagues or family and friends when safe and convenient to do so would be a real travesty. I've driven many passengers many miles and have had numerous great conversations and have also driven many miles chatting on the phone while my paying customer was happily transported without idle conversation. In this day and age I frequently experience customers who would rather use their mobile devices for their own convenience than engage me in conversation and are more than happy for me to do the same. As an experienced cabby with good judgement it is my responsibility to assess when it is pertinent to use my phone.

Lastly, I feel the change to the insurance regarding company names is just plain wrong and completely unnecessary. I have many years no claims bonus in my own name and changing this to my company name would seriously affect my premium. When I first started my business my insurance was more than double what it is now and was a very large annual cost which through good driving and no claims I have steadily reduced over the last 7 years. To be told I have to go through all that again at the whim of the licensing department for no apparent good reason is (in my view) completely unreasonable.

I think the wheelchair regulations are excessive, and private hire are exempt. They should all have to be able to carry wheelchairs, this would cease the use of old saloon cars and stop Uber in its tracks as only fully compliant vehicles would be allowed.

To notify the council if you are away from home for 14 days or more is ridiculous! People go on holiday for 14 days or more, as there are no contact telephone numbers( at the council) electronic communications should suffice.

The document refers to Guide dogs Hearing dogs Disabled dogs, the correct definition is Assistance dog and should be reflected throughout.

License should be printed in a size that those who are visually impaired can see and the exemption certificates should be embossed as per Guide Dogs policy

Weight limits on wheel chair ramps could lead to drivers asking users what is the combined weight of the passenger and the chair- a bit insensitive and could lead to conflict.

Asking owners to inform the council of any concerns regarding drivers cannot be right. This is a matter for the police and again could lead to conflict.

There are a couple of changes that I think are unnecessary i.e. the vehicle insurance to be in a company name this will cost Taxi operators money as they will lose out on years of no claims bonuses, I also can't understand why the wheel chair ramps need to be stamped with the Taxis registration number. I would also like to point out that the council have broken their own licensing conditions as they have stated that private hire cars can not canvas for business in a public place or a car park yet the council allow private hire to form a rank at the Airport. The council also do nothing about private hire cars picking up passengers illegally of the street private hire cars are always plying for hire yet no private hire is ever prosecuted. One councillor even stated that the council would not prosecute private hire for picking up illegally thus encouraging private hire to break the law. I like all other Taxi drivers in Edinburgh feel that the council are destroying the Taxi trade in Edinburgh in favour of the private hire trade who are inferior to the taxi trade in terms of topographical knowledge and the service that the Taxi trade offers.

That private hire drivers have a good understanding of the English language and a reasonable knowledge of Edinburgh

1. We are pleased to see the License Conditions being updated and we support this initiative and a policy of on-going review. The stated objective of this review is to address changes in the marketplace/trade and keep the Licence Conditions relevant. This is a sound objective but in practice, only minor adjustments to the conventional trade seem to have been attempted. New technology, new business models and new approaches to plying for hire could have been defined and legislated for and that does not appear to have been attempted. That seems to be an opportunity missed and is something of a disappointment. For example; in the definition of a "Hire" there is a reference to "where the use of a taximeter is appropriate". Until recently all Private Hire Cars in Edinburgh typically used taximeters. Very recently, many have stopped doing so. This definition seems to acknowledge that change without really tackling it and this approach pervades the document.

Part 2 - Taxi License Conditions (d) "free from dents or damage". Maintaining the vehicle in roadworthy condition should be sufficient. It is not always practical or reasonable to take the vehicle off the road immediately to have every minor mark repaired. e.g. If someone opened their car door next to a taxi and made a minor but visible mark on the door bumper strip, this condition would demand that the taxi go for immediate repair. That is not reasonable.

Registration and Insurance "where the licence holder is a company" "where there is more than one license holder". Does "more than one licence holder" mean that the license holder may be a company but the documents may be in the name of any director of that company? We find this unclear. It is understood that most licence holders are company's but that registration documents, finance agreements and insurance are in the names of individual directors of those companies. Is this still an acceptable structure or is this wording a move towards changing that? We suggest "shall be in the name of either the partnership or the company or where there is more than one partner or director, the vehicle registration document and the certificate of insurance shall be in the name of at least one of these partners or directors."

Vehicle Inspections (b) It is not in the power of an individual taxi operator to make meaningful input into ensuring that the vehicle "complies with relevant construction and use regulations". We suggest "ensure that the vehicle is one approved by the Licensing Authority for use as a public hire taxi and that no modifications have been made from the approved specification" or similar.

Vehicle Inspections (e) An MOT test generally costs c. £50. A taxi test is approaching £400. If a vehicle required a re-test and is not presented within 10 days the new conditions state that a full test is required again and another full fee is payable. As all of the background paperwork has been done this seems like a punitive action rather than a reflection of justifiable expense on the part of the examination centre. A retest fee is reasonable but this amount is not reasonable in our view. It may be that it takes longer than 10 days to re-test the vehicle due to parts availability, a holiday or other reasonable circumstances which are not the power of the operator to control.

Transport of Wheelchairs (b) Ramp stamped with the registration number of the vehicle. We infer from this condition that there is a concern that a taxi may be presented for test with a ramp from another vehicle. We believe that this remote possibility does not justify the time and

expense involved in stamping all ramps with vehicle registration numbers. (b) safe working load. The safe working load of the ramp is a manufacturers issue and should be taken up with them, not the operator. The operator makes their own safety assessment of loading a wheelchair and user and the maximum operational weight allowable is not particularly relevant to that decision. (c) (i) (ii) (iii) These are manufacturers issues.

Receipts 33. Receipts are generally printed by 3rd party equipment in common with retail outlets etc. Depending on the provider that has been selected by individual operators they may or may not be able to have this information added automatically. Manual addition of this information to receipts will be time consuming and is an impediment to both driver and passenger completing their journey. If the passenger wishes to make a complaint they need only make their own note of the journey details and identifying marks on the vehicle if they wish. This seems to be a time consuming, expensive and unnecessary complication.

Notification of convictions 50. We suggest that this should not include driving licence endorsements or penalties unless they reach a level where a suspension or driving ban is appropriate. Otherwise this seems like a redundant exercise which will increase the admin burden to CEC and time and costs to the license holders for no particular reason.

Fulfilment of Hire 110/111. If pre-booked jobs are accepted by the booking office of a radio company it is an internal, operational matter for them to allocate the job to a taxi and ensure that the nearest or most practicable vehicle is dispatched to complete the job. There are various reasons why the company may accept that the driver cannot do the job (getting near the end of his shift and the job is going in the opposite direction) and may recycle the job and give it to another driver. It is not possible for the driver to control this and making it a License Condition that he must accept and complete the job seems impractical, unnecessary and almost impossible for CEC to enforce or monitor.

113. A driver must not: (d) we have a slight concern about the use of the word "immoral" and it's definition. "Illegal or unlawful" should suffice.

143 (a) The driver shall not use a mobile phone (even by means of a "hands free" kit). A driver may need to contact the base to ask for instructions, advise them of issue during a journey, advise them of an emergency etc etc. We no longer carry radio equipment in our vehicles because hands-free mobile phones are more portable, affordable, convenient and safe. Finding drivers to be in breach of the License Conditions if they use this equipment does not seem practical or reasonable.

158. Over ranking is an age old issue and we accept that some control has to be put in place. This should generally be managed by the standard road marking which would apply to any vehicle parked where it should not be i.e. double yellow lines etc. Introducing additional License Conditions seems to be a duplication of effort with such road markings. CEC has determined that 1316 taxis are necessary to meet demand for taxis in Edinburgh but provides ranking spaces for only around 180 (13%). It is in nobodys interests to have the surplus taxis circulating empty in traffic and some allowance should be made for them to wait in the vicinity of a stance when traffic conditions and road markings allow.

Passenger Assistance 214. (B) "if the passenger wishes to transfer to a seat, the driver must help

the passenger get out of the wheelchair and into a seat and back into the wheelchair." The implication is that physical contact with the passenger is not only acceptable but it is a License Condition. If help means "hold a bag" that would be reasonable. If it means to lift, push, pull or otherwise support a passenger by means of physical contact we suggest that taxi drivers are not trained to deal with that situation and cannot accept this responsibility. We understand that the spirit of this condition is that drivers should assist passenger whenever it is reasonable to do so but that is not what the wording implies. 215 referring to luggage is worded better. Perhaps similar wording could be employed to describe the spirit of what is expected of a driver in relation to a wheelchair user.

re;proposed insurance, changing from day to day manager, to incorporated name and or partnership name on the policy.

I think this would place an unreasonable burden on the taxi trade, as the insurance companies would treat all policies as new and charge policies as new clients therefore losing any no claim bonus which would involve thousands of pounds in increased insurance costs

Insurance document changes would mean the loss of no claims bonus and could cost the license holder several thousand pounds.

Ramps with weight limits - are we to ask the customers and wheelchair weight before we load them into the taxi.

1:- Throughout your proposed changes to the taxi & PHC licence conditions, you keep stating all PHC vehicles with a meter fitted, as reported in Authorised fare and Call-out charges etc. It is well reported now, that PHC vehicles are now removing their meters to work exclusively for a company named Uber in George Street. They work on set fares and can over-charge the customer, drastically inflated prices.

Is removing their meter, just a way out of producing their vehicles for an annual test at the Cab Office and therefore not requiring the proper but expensive public liability insurance?

2:- In Registration & Insurance 2(A), the taxi insurance will now have to be in the name of the partnership or the company instead of the name of the original licence holder. All of this owner's No Claims Bonus will now be lost, as it will be a change of name & details to their policy. A lot of owners will lose out here.

3:- All wheelchair ramps have to be stamped with the registration number and affix a plate showing the safe working limit and supply a certificate? Who in Edinburgh or Scotland does this type of work? The ramps in taxis have always been supplied by the Taxi dealership. Are they now having to get any new taxi that has been sent from China, have the ramps stamped and tested and certificated before any potential customer purchases a new taxi, or does the customer go about the country and search for a good quality used taxi that does not have stamped and tested ramps? This is what will happen as nobody knows who stamps and weight tests wheelchair ramps for taxis.

4:- In Advertising & Personalising Marks (27), radio companies have notified owners in the past, to pop into Bankhead if they want tip-up seat adverts. Many times it is the driver that pops in quickly on the day-shift, as there is a limit on how many they have. Some of these adverts are

inferior and simply stuck over a previous advert. What you are stating here is, that the owner will now be classed as an unfit person and could have his licence revoked, simply because of an advert he never seen being installed in his taxi. Does the advertising companies not produce these adverts to the council for approval before any owner is asked to display them? This could lead to court action, if the council tried to say anyone is unfit, when they never had anything to do with the approved advert in question.

5:- In Electronic Security System, 34 (O) and 36, who does the council recommend, as the Data Controller and the Systems Controller to a taxi that is not in a radio company?

It would appear to some, that this is the reason the taxi examination test fee has recently increased by £55 to accommodate the council with all of the extra work load it is giving itself. Is the council going to take on more staff or is the existing staff to get more hours per week and more money per month?

The conditions mention driver training. This should include awareness for vulnerable road users, pedestrians and cyclists.

146c, 227c allows drivers to keep the engine running "to operate the heating or aircon". This should be removed, as it is a get-out clause; a driver can always argue on ground of comfort.

113 and 194 should include "not permit the consumption of alcohol", as you sometimes see drivers being distracted by drunken passengers.

fine as they are. no need to change anything

I strongly disagree with having to re-insure the taxi under a different name therefore losing any accrued no claims discount. Leave it alone

I have concerns regarding the proposed amendments to the regulations concerning wheelchair ramps in black taxis.

If we can find out what the SWL is for our particular ramps, how are we to determine the combined weight of passenger and chair? Additionally, should the combined weight be over the SWL, will drivers be coached in the polite manner with which to inform any potential passenger?

Secondly, I am curious as to the advantage of the proposal to have both Registration Plate and insurance in the same name. Many taxi owners have their plate in the name of a company to protect their interests. I cannot see any advantage to the council, the taxi owners or the public in this proposal.

A few observations and comments as follows:

1: the wording in section 2 has been amended to include "free from dents or damage". I understand why you have included this but taxis are a source of income and I would not want to be unable to work whilst awaiting bodywork repairs. If the damage was potentially dangerous then I agree it should result in the taxi being "off the road" until fixed. Most black cab taxi owners take pride in their vehicles and would not want them to be in a sub-standard condition for any length of time, however, we would still need to work

2: re vehicle inspections - the concern I have is regarding the re-test after 10 days if the vehicle is not presented for inspection. This can arise through no fault of the owner as sometimes the parts required to fix the problem are unavailable. I feel the council should allow some leeway in this, for example, if the owner presents the vehicle with proof the relevant part is unavailable but the cab is otherwise roadworthy an additional time limit could be allowed. The test is very expensive at £310, having increased in excess of 10% already since 2014 so having to pay £620 seems particularly unfair.

3: I have no issues with the private hire conditions as they seem to more or less match black cab conditions but where do Uber fall into these conditions? They have no meters and operate surge pricing. There is documented evidence of charging over £50 to go to the airport from the town centre during busy periods. They seem to be falling between the cracks in terms of how they are treated and, unlike other cities such as London, they have no identifier saying they are Uber cars. They have private hire stickers on the doors but no meters so how are they classed as private hire.

Regarding insurance and registration when there is a partnership - insurance is always in the name of the owner and named drivers, have your changes been checked with insurers and DVLC? Not sure its possible.

Ramps - is the council going to provide a certificate and stamp the ramp at the time of the taxi test, as the ramps are built into the taxi at time of manufacture and dont currently have a stamp.

All taxis and PHC vehicles should have taxi meters fitted to them this would allow the passenger to see the fare as they proceed and would also stop the current company Known as UBER from price surging or charging more for 5 or 6 seater hires. We have prided our city has always charged fair and visable prices please do not allow our good reputation to be tarnished by allowing some American company to charge up 9 times the fare when ever demand is high as they have done since launch in November it simply makes a mockery of the council policies

The whole taxi trade is fighting for its life against PHC and UBER and the last thing the taxi trade needs is more restrictions.

The companies that hold the taxi licence are dormant, so they wouldn't get finance, so doubtful the registration document could be in the name of a dormant company. Anyway, its the taxi owner, who is the registered keeper. Its the best way anyway, as a dormant company cant look after a vehicle.

Ive checked with Patons insurance and not all insurers will insurer a taxi in the name of a company - it has to be in the drivers name. A policy in a different name could result in losing all no claims. Insurance is hard enough to find and costs a fortune, so why make it harder for us.

Asking all 3000 taxi drivers to inform council of points on licence, is pretty pointless, as impossible for the council to police - my point of view anyway.

Further training for operators is another hindrance, when we are fighting for our livelihoods against PHC and UBER. If don't know what doing by now, never will.

I'm not too keen on the shared hire idea, as it plays into UBER hands. PHC, is called "PRIVATE HIRE" for a reason and a hackney vehicle is no different. If want a shared hire, get the bus.

I think the section where a driver can't get out his cab near or on e rank is a little extreme...can't we walk or stretch ones legs??

I feel that the changes to the 'Transportation of Wheelchairs' (b) may cause some issues.

Will the Council be providing a service that ensures the vehicle registration and max load is stamped onto any equipment?

If not, then are they able to advise where and how this can be done?

Even if the 'safe working load' is known, it will be impossible to know if that is sufficient unless the passenger knows what their weight is, so we will be in no better position than as now, where one has to make an educated guess as to whether the weight of any person and their wheelchair can safely use the equipment. As with the ability of a driver to be able to convey said passenger up a ramp. I know that taxi access ramps are designed to a standard that if the person is able to be pushed up the ramp without due stress, then the ramp will be able to take the weight.

Has there been any incidents where the ramp has given way/broken/failed to work? I cannot understand the need for this section.

Phc vehicles should have their licence taken off them if caught illegally picking up.

Proposals seem to have been made to the detriment of taxi drivers/owners, there seems little that would effect Private Hire

It would seem that the Council has something against taxis, whether it be through licensing conditions, fees, or tests

Do they want Edinburgh to have a taxi service or would they rather it was all Private Hire

The names on insurance documents have worked well for years no need to change something that is not broken.

Banning hands free when a passenger is on board will be very problematic example , I was on a Edinburgh city council school job this week an out of town job so the passenger was a minor travelling alone. However the exit on the M8 to the passengers destination was closed by police Scotland because of an over turned lorry , I then had to take the next exit which is a longer route and not in the passengers daily routine of going to school and back therefore I had to inform my control room via hands free about the situation hence why I believe that we need to be able to use hands free

The proposed new conditions do not deal with issues of new technology (apps) nor is there clarity on the definition of "pre booking".

Where the term "free from dents or damage" is used in section 2(1)(d), it is unreasonable to expect a vehicle which covers the mileage that a licensed taxi does to be in showroom condition after two or more years on the road.

The proposed change to have a company name on insurance certificates may affect the non trading status of a company which owns the plate and may also incur unreasonable and unfair costs to the owner in the loss of no claims bonus on the insurance policy.

The proposal to have all wheelchair ramps stamped with registration numbers and a plate with a certificate stating that the ramp is suitable for use seems to me to be an unreasonable condition to place on taxi owners. The specification and performance of this type of equipment is surely the responsibility of the manufacturers in consultation with licensing authority and examination centre.

It is surely not in the public interest, nor in the interest of the environment, to have empty taxis driving around in traffic because they cannot get onto a rank. If a vehicle is not causing obstruction or committing any other road traffic offences why can't a taxi stand safely near to a rank in order to join on when space becomes available ?

1. The conditions are poorly written and many of the proposed additions are difficult to understand clearly.
2. We would expect a new draft of the conditions to deal with known issues such as developments in technology but there appears to be no attempt to address this. e.g. In the definition of "Hire" there is a reference to "where the use of a taximeter is appropriate". There is no apparent definition or regulation of when that is. Also the definition of a pre-booking could be addressed but is not.
3. In section 2(1)(d) the term "free from dents and damage" is used. This needs clarification as taxi bodywork can be perfectly roadworthy like any other vehicle without being in showroom condition.
4. 2(2)(a) Seems to suggest that insurance may be required in a company name and this may affect the non trading status of a company which owns a plate. There seems to be no reason for this change and it may cause additional costs. It needs clarification and also some explanation for the proposed change.
5. 24(a) and 24(b) There are new requirements for ramps to be stamped with the registration number of the vehicle and plate stating the maximum load and certifying that the ramp is suitable for use. All of this is in the control of the manufacturer and the spec approved by the Taxi Examination Centre. The requirement for the registration number being stamped seems to be an unnecessary expense and inconvenience which serves no obvious purpose.
6. 51. There is no basis for ongoing training by compulsion.
7. 140 It is not unlawful to use an e-cigarette in a public place so we are unsure about the lawfulness of this condition.
8. 140 The ban of mobile phone use even with hands free. What impedes communication with passengers?
9. 158 Why should a driver not be permitted to stand in the vicinity of a taxi stance? If his vehicle is not otherwise situation offensively e.g. being an obstruction. It is not in the public interest to have any taxi that can't get onto a stance or safely wait near one, to be circulating in traffic indefinitely.
10. Under vehicle conditions it is proposed that where a vehicle is required for a re-test and has not been presented within 10 days that another full fee is payable. That seems very unreasonable if the time is due to lack of availability of a part etc. or perhaps a holiday. The test fee is already many times the cost of an average MOT and most of the inspection and paperwork will have been completed already.

11. The terms suggest that the driver should sign their name and write the registration number of the vehicle on every receipt. Manual additions to receipts would be time consuming and an impediment to the driver and passenger completing their journey and this serves no apparent purpose.

12. Fulfilment of Hire. There are good reasons why a driver may not be able to complete a job and it is at the discretion of a booking company whether to re-allocate a job. It is not possible for a driver to control this and making it a License Condition that he must accept and complete every job that is allocated to him seems to be impractical, unnecessary and almost impossible for CEC to monitor.

13. Passenger Assistance 214. (B) if the passenger wishes to transfer to a seat, the driver must help the passenger get out of the wheelchair and into a seat and back into the wheelchair. The implication here is that physical contact with the passenger is not only acceptable but it is a License Condition. This could mean holding a bag for someone but if it means lifting or supporting another person then taxi drivers are not trained or qualified to undertake this.

14. In general we would like the definitions to be much clearer and for changes in the marketplace to be addressed such as the definition of a PHC, a pre-booking, when a meter should be used and how a hire should be priced.

No provision for dealing with app based companies and those which use the surge price business model. A review of conditions is supposed to update outdated conditions and I believe the council are missing an opportunity to bring Uber's pricing structure to a reasonable level. Customers are being ripped off. It's that simple.

Insurance should not have to be in a company name. I own my taxi and I am a named partner on a legal document.

Ongoing training is not a requirement. I've been driving a taxi for 18 years without any.

Ramps already have an SWL on them and is set by the manufacturer.

What is the purpose of not letting drivers get out of vehicles at ranks? Sometimes this is the only opportunity to stretch out legs.

I would like the definitions to be much clearer and for changes in the marketplace to be addressed such as the definition of a PHC, a pre-booking, when a meter should be used and how a hire should be priced.

The proposed amendments are poorly thought out poorly written and some of them contradict the law.

All points need greater clarification and some need removed altogether.

Some will create additional costs with no apparent benefit to anyone except financially to the council.

1. The conditions are poorly written and many of the proposed additions are difficult to understand clearly.
2. We would expect a new draft of the conditions to deal with known issues such as developments in technology but there appears to be no attempt to address this. e.g. In the definition of "Hire" there is a reference to "where the use of a taximeter is appropriate". There is no apparent definition or regulation of when that is. Also the definition of a pre-booking could be addressed but is not.
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The test fee is already many times the cost of an average MOT and most of the inspection and paperwork will have been completed already.

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14. In general we would like the definitions to be much clearer and for changes in the marketplace to be addressed such as the definition of a PHC, a pre-booking, when a meter should be used and how a hire should be priced.

A greater enforcement of cars parked in taxi ranks including more action of Private Hire Driver's reprimanded for parking on taxi ranks.

We have a clause regarding meters in Taxis and Cars how come Uber can work without a meter and charge the public an extortionate amount of money for the privilege? You are contradicting yourself.

Regarding forward facing camera's, you are making money on the public's and drivers safety by charging an extortionate amount of money to have one approved!

I am deeply concerned as to the wording and indeed the intent of the proposed changes. There are a few superficial changes which are an update and others which do not appear to have good reason to invoke change. The proposed change to the Registration and Insurance - "Where the licence holder is a partnership or company the vehicle registration document and the certificate of insurance shall be in the name of either the partnership or the company" is more concerning and will cause dramatic changes to the way our business operates.

These conditions were drawn up by the CEC Senior Solicitor after I believe in consultation with other Senior Legal opinion to fully meet and comply with the legal requirements. It was considered at this time that other cities did not have, in the CEC Legal opinion at this time, robust enough systems which may or may not stand a legal challenge. Many hours of debate and discussion took place before the existing regulations were drawn up. It would appear that with a sweep of the pen these very carefully thought through regulations are proposed to be changed with what appears to be little or no consultation and with little thought to the consequences of these changes.

I believe that I am correct to say that most operators I know operate as Non-Trading Companies with the plate only held in the name of the Non-Trading Company. This was applied deliberately

by the CEC Senior Solicitor as the best way to proceed and to meet future legal requirements. The other option open for those who did not want to proceed in this way was in the form of a partnership. The main problem with the latter was that the partnership no longer existed when any of the partners passed away. This was viewed by most as not be suitable in the long term. The Trade at the time accepted the changes as they benefitted the CEC and the Trade alike and the costs involved were met by the owners with the CEC phasing the changes in to those that wanted to change.

The other issues I am sure will be covered in the main by the representatives but I would query the need for ramps to be stamped with the registration number of the taxi. I have already commented about taxi driver training but to reiterate I was involved in the introduction of the existing modules. These were introduced as a means to trial out any courses and to check the long term benefit to the Trade and future drivers. After speaking to a great many candidates over the years I am convinced that these should be scrapped with the exception of wheelchair training. The Trade would benefit from more Taxi Drivers and this is being stifled at this time due to the current test. The changes to this test appear to date back to the increase in Taxi School classes and their success at the time. It appears it was thought that the test was then too easy as more people were passing it. This of course was incorrect as the Taxi Schools were successful in training the individuals concerned. It is now clear to me that the Trade suffers from a lack of Drivers. This will rise dramatically with the introduction of a 3 year renewal test with older drivers declining to be tested after a lifetime in the Trade. The average age of Taxi drivers some years ago was 49 and it would be interesting to know what that average is now. For the Trade to be vibrant it needs young drivers with the older generation passing on their experience. A university degree is not required to become a cab driver but with the pass rate set as high as it is one must question the methodology applied.

The vehicles used by the Trade are becoming increasingly more expensive and the need for more drivers to help cover these costs is paramount. Edinburgh City deserves to have a good relatively new fleet, in the past it was considered the best, and we must work together to achieve this.

I was personally involved as a Trade Representative during the time of the existing regulations being introduced along with the Training Modules being adopted.

Serious questions have to be asked about these proposals.

keep things as they are.

I would expect a new draft of the conditions to deal with known issues such as developments in technology but there appears to be no attempt to address this. e.g. In the definition of "Hire" there is a reference to "where the use of a taximeter is appropriate". There is no apparent definition or regulation of when that is. Also the definition of a pre-booking could be addressed but is not.

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2(2)(a) Seems to suggest that insurance may be required in a company name and this may affect

the non trading status of a company which owns a plate. There seems to be no reason for this change and it may cause additional costs like losing my no claims bonus as my taxi is registered under my own name and not the company name.

24(a) and 24(b) There are new requirements for ramps to be stamped with the registration number of the vehicle and plate stating the maximum load and certifying that the ramp is suitable for use. All of this is in the control of the manufacturer and the spec approved by the Taxi Examination Centre. The requirement for the registration number being stamped seems to be an unnecessary expense and inconvenience which serves no obvious purpose.

140 It is not unlawful to use an e-cigarette in a public place so I'm unsure about the lawfulness of this condition.

143 The ban of mobile phone use even with hands free. Again, there is no law that states I cannot drive and make a call with a hands free kit. I don't think I should be allowed to make/receive a call when I have a passenger on board, but I don't see why I can't use mobile phone when driving around.

158 Why should a driver not be permitted to stand in the vicinity of a taxi stance? If his vehicle is not otherwise situation offensively e.g. being an obstruction. It is not in the public interest to have any taxi that can't get onto a stance or safely wait near one, to be circulating in traffic indefinitely.

Under vehicle conditions it is proposed that where a vehicle is required for a re-test and has not been presented within 10 days that another full fee is payable. That seems very unreasonable if the time is due to lack of availability of a part etc. or perhaps a holiday.

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In general I would like the definitions to be much clearer and for changes in the marketplace to

be addressed such as the definition of a PHC, a pre-booking, when a meter should be used and how a hire should be priced.

#### Registration Doc and Insurance

1.If it's currently a non trading Company which does not actually own the vehicle, why should the registration document be held in it's name?

Changing the registration document and certificate of insurance into the name of a non trading company, surely then makes it a trading company thus resulting in an unwarranted change to any existing Company/Business operations.

2.A non trading Company who's registered address is different to that of the license holder's address would also have to be changed with Companies house.

It's common place to have one's accountant's address as the registered Company address, so changing that would only further complicate what is a relatively simple process with the Inland Revenue at the moment.

3.Any existing insurance no-claims bonuses built up in the License holder's name would be lost by transferring the policy into the name of a Company.

Financial implications for existing license holders with insurance in sole names.

Effectively these proposed changes would have all sorts of legal and financial implications for license holders, in particular those who currently operate non trading companies.

#### Transportation of Wheelchairs

1.What is the benefit of having the ramps stamped with the registration number of the vehicle ?

Surely an existing certificate of a valid Taxi licence in a specific council approved vehicle which has undergone the rigorous taxi examination test, assumes that all required components are already present and fit for purpose?

2.What is the benefit of having a certificate of safe working load affixed to the ramps?

Does having a safe working limit on display imply that drivers will then have to ask their passengers how much they weigh before they can safely transport them?

Whilst personal judgement is currently used, licensing conditions could be unknowingly breached if heavier loads are transported.

## PART 2 –TAXI LICENCE CONDITIONS

1. The licence holder shall ensure that, all times when the licensed vehicle is available for hire or being used for hire,

(d) the licensed vehicle, including all bodywork, upholstery and fittings, is free from dents or damage, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions;

This needs to contain detailed descriptions and/or photographs of what is and what is not acceptable. At present, this is subjective. i.e. The criteria should be for normal daylight conditions under which the Taxi will be operated and not under artificial lighting where it is tested.

### Registration and Insurance

2. The licence holder shall:

(a) hold in his own name the requisite vehicle registration document and a valid certificate of insurance in relation to the taxi required by Part VI of the Road Traffic Act 1988 or any other amending legislation and the holder of the Licence shall be required to produce these documents to the Council, Cab Inspector or other Authorised Officer at any reasonable time on request. Where the licence holder is a partnership or company the vehicle registration document and the certificate of insurance shall be in the name of either the partnership or the company

Why has this been changed?

It will add more expense to the running costs of a vehicle.

### Vehicle Inspections

3. The licence holder shall:-

(e) in the event that the licensed vehicle fails the annual test if the vehicle is re-presented within 10 days the initial re-test would be free any subsequent re-tests would be chargeable. If the vehicle is presented after 10 ten days a full test would be required which is fully chargeable;

Parts are sometimes difficult to obtain; 10 days is restrictive.

### Transportation of Wheelchairs

24. The licence holder of a licensed vehicle which is suitable for the transportation of passengers travelling within wheelchairs shall ensure that :

(b) that all ramps carried within the licensed vehicle are stamped with the registration number of that licensed vehicle and have a certificate of safe working load affixed to them;

Taxis are manufactured to meet the specifications defined by the Council.

If the Taxi is on the approved vehicle list then there is no requirement for additional markings. More expense would be incurred by the owner if this was introduced.

Notification of information in relation to Drivers

51. The licence holder is required to report the following information regarding any driver of his licensed vehicle to the council within 24 hours (or the following working day) of that information coming to his attention in relation to Drivers of the licensed vehicle:

(a) information that any driver has been disqualified from driving;

(b) information that any driver is suffering from any medical condition

which may affect his fitness to drive a taxi;

(c) information that any Driver is using illegal drugs;

(d) information that any Driver may have committed any offence involving dishonesty or sexual impropriety.

How will this information come to my attention if the driver her/himself decides to withhold this information?

Training

52. The licence holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

There is no basis for ongoing training by compulsion.

Free from dents or damage - unreasonable, could be minor and awaiting repair.

Vehicle inspections - timescales for repair can be out with our control and operators should not be penalised financially.

Transport of wheel chairs - marking the ramps seems ridiculous, is this so they can't be borrowed, then where does it stop, what else will require marking?.

Safe working load - responsibility of Tx, Mercedes & Peugeot

Notification of conviction - unless there is a ban this is a waste of time

Fulfilment of hire - responsibility should be with radio company and not CEC

Mobile phone usage - so many reasons why we may need to contact control whilst working.

Unreasonable.

Passenger assistance - more specific details require so we know what is expected of us. Different drivers are far more able bodied than others and may be able to assist more than others.

No loitering at vehicle - unreasonable, drivers have to get out and stretch when they have been in same position all day. Some driver get out to smoke, some get out because they are uncomfortable sitting with the sun beating through the glass on a hot summers day.

2 concerns regarding proposed changes.

Don't agree a taxi driver should inform council within 10 day's of receiving a fixed penalty until points crewed above 6.

2nd Vaping, we should be encouraging Vaping to discourage smoking, scientific evidence backs up this, vapour generated by Vaping is harmless, check out this study via the link.

<http://www.churnmag.com/news/scientists-shocked-after-testing-ecig-vapor-in-the-lab/>

We could compromise that whilst driving a taxi driver should refrain from Vaping but in traffic he/she should be allowed, at a drivers discretion he/she should also allow passengers to vape, encouraging cabbies to vape instead of smoke has to be a benefit not a negative, the health and attitude of the cabbie is what's important, for the sake of a wee puff of a vape we could have a happy cabbie rather than a grumpy one.

Please check out the link sent, vapour from a Vaping is no different to the air in any room.

No any comment.

With reference to conditions by condition number,

2 (a) The cost to taxi operators to change the name of the policy holder to that of the company name or a partnership name will be enormous!

No Claims Bonus will most likely be lost resulting in an increase of £1,000's of pounds on each policy and some insurance companies will not put partnership names on policy only "a person" so this should be left in the name of the day to day manager as is the current status!

24 (b) This proposed requirement as far as an SWL certificate is very unclear! What is meant here? Is it an SWL identification plate providing details of the factory SWL or is it a paper certificate?

The SWL is provided by the manufacturer and is not the responsibility of the taxi operator!

As a person who used to provide SWL certification in a previous employment, it is only the manufacturers of the vehicles that can provide for this type!

34 Forward facing cameras are used for exactly what they are named as! This is for insurance and to an extent, security. The only part of this condition that makes any sense is (h).

There is an extensive range of FFC's, too vast for type approval by the council and should the council dictate which type or brand may or may not be used, then with that, the City of Edinburgh Council must take responsibility for being the data controller for each vehicle as it is the council who states which can be used.

115 This has got to be one of the most ridiculous conditions I have seen proposed in 27 years.

So you are not allowed a forward facing camera with a suction mount on the windscreen, you are not allowed a mobile phone cradle or a data unit cradle on a windscreen but you are allowed an exemption certificate from picking up an animal!

This condition is preposterous and it makes me wonder who actually is getting paid to come up with these.

143 (a) This condition is a particular "pet hate" of mine.

Please explain the difference between communicating using a hands free device or (c) communicating with a passenger?

Communicating on hands free gives no need to remove the driver's vision from the road whereas communicating with a passenger generally at some point will involve eye contact by way of the rear view mirror.

There are two options here, 1, remove the condition, 2, revise the condition (c) in yellow to read or communicate with the fare paying passengers unless stationary.

159 This condition is another preposterous proposal and it also may well breach my human rights by forcing me to stay in my taxi whilst on a rank. In some persons this could lead to deep vein thrombosis for example and that being the case would make the city council liable for causing such by way of this condition. It also makes a mockery of conditions 139 and 140

The definition of the word used in the condition is "to stand around without any obvious purpose".

A taxi driver on a rank inside or outside of the taxi is not "loitering" but "waiting" for a hire. It is what a taxi driver does on a rank and makes no difference whether inside or beside the taxi

I find this condition to be offensive and must be removed

To suggest a taxi driver is loitering if he is outside his taxi on a rank is ridiculous. a right to stretch ones legs should be a basic human right!

No loitering at a rank ? Are you serious ? I have to get out my cab. Surgeons orders. Preposterous suggestion.

Front facing camera, its for insurance purposes. I stick it on the window and take it off so it does not get stolen.

Leave the insurance certificate as it is, with my name on it thank you.

Try to encourage new drivers, not dissuade people from coming into the trade.

Hands free devices are no different from speaking to a passenger. Have I to stop that as well ?

Who gets paid to make this up ?

The proposal that drivers are not allowed out of their cabs in a rank is ridiculous. I suffer from arthritis and need to get out and stretch my legs and to help my circulation as deep vein thrombosis can be caused by sitting for long periods of time.

1.(c) This is not practical as mechanical test-driving and recovery operations cannot always be undertaken by (taxi) licensed drivers. Appropriate insurance is all the law requires. It is an enforcement issue if people are driving without correct insurance for the circumstances.

1.(d) Drivers should not be penalised for minor dents and scratches. The cost of repairing such insignificant damage can run into hundreds of pounds. Clearer guidelines should be issued to give leeway for such minor damage such as broken paint/rust/dents larger than 'x' centimetres etc. Almost every panel on a taxi is damaged to some extent over the course of a year and it is unfair to expect drivers to potentially foot the bill for a full respray and panel/beat.

2.(a) To transfer insurance policies into company names will potentially affect the non-trading state of the companies which hold the respective taxi plates.

This could also severely impact on long-accrued no-claims bonuses held by taxi drivers as the bonuses may not be transferable, resulting in significant financial losses to policyholders.

This proposal seems to serve no purpose as the insurance companies are happy with the status quo. If drivers are found not to be insured correctly, then it is a criminal matter for the police to deal with.

3.(e) The proposed 10-day limit for re-presentation of a failed vehicle is unfair as some parts/repairs can take significantly longer (as these are specialist vehicles). If it can be reasonably shown that this is the case, then no more than a standard MOT test fee should be charged as most of the initial inspection works/paperwork will already have been completed by the cab office.

24.(b) SWL stamped on ramps should be down to the manufacturer of said ramps to implement on all FUTURE models. Drivers cannot be expected to get involved with such technicalities.

As for stamping wheelchair equipment with registration details, if the council suspects equipment swapping is taking place, then they should label/mark the equipment themselves or reprimand those guilty of such behaviour rather than imposing more financial burden on the honest majority.

33.(d) The recipient of a taxi receipt has no ordinary need for a driver's name. Should the passenger require the driver's name, they need only to ask the driver to show his identity card which he is already obliged to show when demanding payment. Vehicle details are already issued

on most receipts so any complaints can be followed up with ease if necessary.

34-41. The issue of in-car recording equipment seems to be ridiculously convoluted. Drivers can, for less than £50, protect the safety of themselves, their vehicles and their passengers with commonplace technology. It seems ludicrous to place so much red tape and regulation in the way, and as time moves forward, will be almost impossible to enforce against those who choose to flout the conditions. Cameras are a good thing and the council needs to make the implementation easier and more attractive. Offer incentives for equipment installation that will ultimately raise standards across the board.

140 The council quotes one organisation's disapproval at e-cigarettes to justify an all out ban inside taxis. There are countless other medical organisations that support their usage including our own NHS! But from a professional point of view, I fully support the stance that drivers should NOT use ecigs inside their vehicles at any time. Not because it is a debatable subject. I just feel it looks downright unprofessional, in the same way I would not expect any other service-worker to use one while going about their duties in the workplace. Passengers however will not be breaking any laws and we would be under no legal obligation to ask them to refrain from vaping, thus potentially placing drivers in unnecessary confrontational situations.

143 I fully support that taxi drivers should not be engaged on a private telephone call while they have a fare paying passenger on board. It's downright unprofessional and rude. Passengers should not be made to feel they cannot engage with the driver with enquiries, no matter how trivial or small. The driver is there to dedicate his full attention to the road and passengers. Nothing else. In my 10 years of driving taxis, I have never felt the need to talk whilst driving with a passenger because I take pride in my job and like giving off a professional vibe. Some of the other driver's attitudes I have spoken to on this issue are shocking selfish and severely lack in customer focus.

214 These proposals for assistance will require full training for insurance and liability issues. Also, some drivers with medical exemption certificates may only be able to perform a limited range of tasks.

Please see the letter sent to Gordon Hunter by email from Max Lines.

A few issues I have with the relevant amendments:

2a: This will only add onto taxi drivers insurance premiums as they lose their no claims bonus from transferring to a company name. It seems a completely unnecessary amendment, I do not see any benefit of this.

143: Barring a taxi driver from using a hands free kit seems over the top. Sometimes drivers need to communicate with the control room to find out extra details. Sometimes I have phoned contact numbers for apartments etc on behalf of customers with no access to a UK mobile phone, this is a good service. If this condition is enacted taxi drivers will be left in the ridiculous position that we are unable to contact the control room to clarify job details, even when stopped.

Is there anything else you would like to see included in future reviews of the licensing conditions?

<p>All drivers must have a very prolific command of English, and private hire drivers take a proficiency test on a basic knowledge of edinburgh/ streets/ hospitals, and why is more not done about private hire using bus/taxi lanes, they are breaking the law as well as breaking licensing conditions.</p>
<p>I would like to see consideration given to the taxi owners rather than what the council thinks best for them. You could also consider what other forms of acceptable vehicles to be used as taxis as per other areas. I would also like the council to be as thorough with safety on the Trams as they are with taxis.</p>
<p>Contacting the council is almost impossible, and finding out that conditions have changed is impossible.</p> <p>It seems more rules and regulations are being imposed when we are trying to do a difficult job, and yet accessing the council departments is more difficult.</p> <p>Will medical conditions apply to the public as well?</p> <p>This is due to the tragic accident with the bin lorry.</p> <p>Also, more policing of private hire is needed, as they do pick up from the street unapossed, especially at busy places.</p>
<p>Chip and pin usage and signage. Should be standardised for taxis.</p>
<p>Yes all drivers weather Taxi divers or Private hire cars should be at the same level of competence i.e. every body should have a brief to the same standard a standard wear the topographical test is at least a 90% to 95% percent pas as it was when I sat my brief and all drivers should be fluent in the English language.</p>
<p>A clear definition of a private hire car. A clear definition of what constitutes a pre-booking. A clear definition of when a meter should be used and how a private hire car may be operated without one. A clear definition of how a hire should be priced when a meter is not used.</p>
<p>I would like to see Council actually have some balls and stand up to a certain US company now trading in our city. Do uber just get to do as they please in a regulated market. Place the same regs as you do on Taxi's and lets see how they compete. I would have thought that council would be more supportive of its own taxi service but this looks not to be the case. Uber seem to have infiltrated most councils and not for the better of the passenger. Is it right that passengers should be asked to pay many times the normal fare because this company say they are busy ? is this what the public really wants ?</p> <p>Show some support for the local taxi/phc trade or you lose it.</p>
<p>I have concerns regarding to the Uber. I don't understand how they operate.</p>
<p>no</p>
<p>Enforcement of pic conditions as these are being continually and openly broken</p>
<p>Plain English, some of the conditions and council communications are difficult to decipher and come across as gobbledygook. Please rectify</p>

No.
<p>However, I would like to see current rules more keenly observed. Primarily the use of taxi rank by PHC vehicles, and the regulations concerning workwear.</p> <p>Particularly around Waverley, Haymarket and High Street ranks you can daily see taxi drivers in jeans, trainers and t-shirts. Standards are quite clearly set down by the council, but do not seem to be enforced.</p>
Uber's surge pricing and car identifier markings
Anything that makes things tougher for PHC and UBER, as they have it far too easy, operating as taxis, without the costs.
Yes...the banning of "UBER"
I would like Phc to be prosecuted to the highest possible punishment that they can be prosecuted with. Constantly breaking the law daily with barely any prosecution I.e using bus lanes when they are in use , trying to ply illegally for hire off the street and sitting at the back of taxi ranks , and turning right into to George street from south Charlotte street which is illegal for them to do.
<p>In general I would like to see more clarity and specific detail on definitions. Phrases such as "where use of the taximeter is appropriate" and "free from dents or damage" are open to personal interpretation and can cause confusion and frustration.</p> <p>In addition I would like to see the changes in the marketplace addressed. Issues around the definitions of a PHC, what is a pre-booking, when a taximeter should be used and how a hire should be priced, still exist and need to be addressed.</p>
There should be a ban on using an application on a phone as a meter, how do the council monitor this
Legislate the app companies.
I find it incredible that there is no mention of the technology companies, app based companies in this proposal, in particular Uber. This company is now operating within the licensing jurisdiction of the City of Edinburgh Council but operates out with the rules so far as booking and pricing is concerned. If Uber are to continue operating in Edinburgh then surely they should have to follow the same exacting licensing conditions as the rest of the Edinburgh taxi and PHC fleet. In a city where our taxis and PHCs are closely regulated by the Council, it is stunning hypocrisy that Uber were granted a booking office, where they don't take bookings and often charge customers sky high fares which are in total breach of the fare structure set by the Council. Maybe the City of Edinburgh Council should be taking a leaf out of the book of so many European cities who have now banned this company from operating in their cities due to their total disregard for the local licensing laws.
Common sense
allow taxis to fit a security camera inside taxis
Cost reduction.

<p>Transportation of Wheelchairs</p> <p>There is currently no mention of:</p> <ol style="list-style-type: none"> <li>1) Acceptable sizes of Wheelchairs for each approved Taxi vehicle.</li> <li>2) Dimensions of Standard wheelchair sizes.</li> <li>3) Definition of Powered Wheelchair / Mobility Scooters and their acceptance in Taxis</li> <li>4) Code of practice for wheelchair users.</li> <li>5) Risk Assessment for the Transportation of Wheelchairs and their users.</li> <li>6) Constant loitering of PHC vehicles around Edinburgh, in particular in the city centre.</li> </ol>
<p>Tighter restrictions placed on Uber. operators invited for discussion at the review.</p>
<p>English spoken language test based on real cabbie happenings, like speaking a route from AtoB, this should be part of the test.</p>
<p>No</p>
<p>I would like to see it made a requirement for new taxi driver applicants to be fluent in the English language</p>
<p>Some common sense....</p>
<p>Given the new technology that is rapidly embracing the hire-car markets globally, i think it is important that the taxi industry is protected from erosive multinational corporations which seek to take money away from the local economy at the expence of quality and driver wellbeing. Furthermore, the lines should NOT be blurred between Taxis and Private Hire Cars.</p> <p>Two issues that need looked at urgently are the definitions of 'plying for hire' and 'pre-booked'.</p> <p>Private hire vehicles are currently plying for hire virtually on apps, vehicles displayed on maps available for immediate hire. You can see a PHC on the street, jump in, tap the app and you're away. This is NOT pre-booked and sets an unsustainable president for countless future problems.</p> <p>Please define these issues, enforce the regulations and protect Taxi and PHC livelihoods by perhaps restricting PHC numbers to prevent oversaturation.</p>

## Appendix 4: Consultation written letter and email responses

**For the attention of Gordon Hunter**  
Licensing  
City of Edinburgh Council  
Market Street  
EDINBURGH



**POLICE  
SCOTLAND**

Keeping people safe

Our Ref: TEC/02/16/AH/FS

Your Ref:

Date: 26 February 2016

Dear Sirs

With reference to the consultation on proposed changes to standard Licensing Conditions I have now studied the proposed document and have the following comments;

**Page 3 – Authorised Officer** – The line “including the Cab Inspector” has been removed. I think it is very important that this is replaced. There are many later examples in the document where the report only mentions Authorised Officer and I believe the Cab Inspector should still be involved with the Licensing Conditions.

**Cab Inspector** – The line “or any other person acting under the direct instruction...” This is also very important to be retained as if removed the Cab Inspector would then no longer be able to authorise Road Policing Officers to use the current enforcement capabilities such as issuing red labels on Taxis/PHC’s and issuing Taxi/PHC defect forms. (See page 44 and 57, Regs 164 and 238).

**Page 16 – Electronic Security System** - Section (n) and (o) mention the Cab Inspector and Authorised Officer as separate entities but does not mention Police Officers who will need to request images in the absence of the Cab Inspector.

**Page 18 – Safety Cameras – Reg 38** - Section (m) and (n) mention the Cab Inspector and Authorised Officer as separate entities but does not mention Police Officers who will need to request images in the absence of the Cab Inspector.

**Page 19 – Miscellaneous Compliance – Reg 48** - Again there is only mention of Authorised Officer. The Cab Inspector has to be included (or be an Authorised Officer) to continue carrying out enforcement and dealing with complaints on behalf of the Council.

scotland.police.uk  @PoliceScotland  PoliceScotland

Taxi Examination Centre, Licensing Section, E Division, Fettes Police Station, Fettes Avenue, Edinburgh EH4 1RB

**Page 21 – General - Reg 54 (C)** – This has previously been discussed with various Lawyers who have a different view on it. This will need further legal advice. An example of possible confusion would be where a driver’s partner uses the vehicle to go to the shops and holds insurance cover. As he/she is not licensed we could not take action against the partner but the regulation would imply that an offence is being committed. Other examples would include Police and TEC Examiners driving the vehicle when they are not PHC licence holders.

**Page 24 – Signage - Reg 63** – The signage states as ‘approved by the Council’. There are currently no measurements given as guidance. The current situation is as ‘approved by the Cab Inspector’ and this has been to maintain as the same size and shape as the Pre-booked stickers.

**Page 33 – Miscellaneous Compliance - Reg 102** - As per Page 19 - Again there is only mention of Authorised Officer. The Cab Inspector has to be included (or be an Authorised Officer) to continue carrying out enforcement and dealing with complaints on behalf of the Council.

**Page 35 – Holder of Taxi Driver’s Licence - Reg 107** – This time the regulation names Authorised Officer or Police Officer and does not mention the Cab Inspector – (Lack of consistency across the document).

**Page 41 – Driver Behaviour - Reg 143** – This will cause debate within the trade as it is currently legal for other road users to use a hands free kit and clarity would be sought on what “impedes communication with the fare paying passenger”.

**Page 44 – Suspension of Licence - Reg 164** – Only an Authorised Officer can affix a red label to suspend a licence. Currently the Cab Inspector and Police can issue the red labels as well and this would be a great loss if they were no longer able to do this and reduce enforcement carried out by Road Policing.

**Page 55 – Driver Behaviour – Reg 225** - As per page 41- This will cause debate within the trade as it is currently legal for other road users to use a hands free kit and clarity would be sought on what “impedes communication with the fare paying passenger”.

**Page 55 – Driver Behaviour - Reg 228** – Again only an Authorised Officer could require a driver to switch off the engine where as this should also include Cab Inspector and Police.

**Page 57 – Suspension of Licence – Reg 238** - As per page 44 - Only an Authorised Officer can affix a red label to suspend a licence. Currently the Cab Inspector and Police can issue the red labels as well and this would be a great loss if they were no longer able to do this and reduce enforcement carried out by Road Policing.

**Page 58 – Compliance with Authorised Officer - Reg 245 and Reg 246** – As per pages 19 and 33. Again there is only mention of Authorised Officer. The Cab Inspector has to be included (or be an Authorised Officer) to continue carrying out enforcement and dealing with complaints on behalf of the Council.

It should also be noted that West Lothian and Midlothian Licensing Conditions are very similar to Edinburgh's due to the link with the Taxi Examination Centre. They also have Cab Inspector mentioned throughout their conditions and included as an Authorised officer.

If under the new Edinburgh conditions a decision is made to remove the Cab Inspector from any of the current regulations it would be sensible to update both these Councils. A change in approach will cause confusion and require them to reconsider their conditions as the Taxi Examination Centre and the Cab Inspector position operates in all three licensed areas and it has taken many years to standardise the approach between the three Councils.

Yours faithfully



**FRANK SMITH**  
**Inspector**  
**Taxi Examination Centre**

Our Ref: STF10.2  
Your Ref: GORDON HUNTER

Date: 29/01/2016

FAO: Gordon Hunter  
Policy Officer  
City of Edinburgh Council  
4 Market Street  
Edinburgh

Dear Sirs

**SCOTTISH TAXI FEDERATION  
CONSULTATION ON PROPOSED CHANGES TO STANDARD LICENSING CONDITIONS**

We are instructed by the Scottish Taxi Federation (STF). As you know, the STF represent the interests of taxi companies, operators and drivers throughout Scotland. We have been asked to respond on the STF's behalf to the public consultation on the proposed changes to licensing conditions for taxi licence and taxi driver licence holders operating within the area of the City of Edinburgh Council ("Licensing Authority").

**Introduction**

The Licensing Authority has invited views from consultees on the adoption, by the Licensing Authority, of revised standard conditions which attach to each and every taxi licence and taxi driver's licence it issues. Views are sought on the proposed changes to the standard conditions.

The Licensing Authority's power to adopt standard conditions is found in section 3B of the Civic Government (Scotland) Act 1982 (1982 Act). That power is to be exercised in order to regulate the licensable activity, and for a proper purpose. In its exercise, the Licensing Authority may not innovate upon the powers, or interfere with the rights, which Parliament has legislated for in terms of the 1982 Act.

In addition to its consideration of the lawful nature of the various proposed conditions, the STF is also mindful of the fact that a breach of any of these conditions incurs criminal liability (section 7(2) of the 1982 Act). It therefore takes the view that the proposals deserve a discerning and critical eye. The STF also considers that the consequences of breach of any of the conditions demands that the conditions ought, as a whole as well as individually, to be clear and precise in order that the parties whom are bound to observe them are left in no doubt as to what conduct must be followed and what conduct is prohibited by criminal sanction.

nisbets, solicitors & solicitor advocates is a trading name of Jonathan Nisbet, Solicitor Advocate, regulated by the Law Society of Scotland



### **Form of Response to the Consultation**

Given the length of the STF's response, we have provided our client's views on a separate Note to accompany this letter. That Note sets out the STF's view on not only the proposed conditions, but also adds comment on certain existing conditions which appear to our client to be worthy of comment in a consultation about changes to licensing conditions.

Our client appreciates that some of the points made in the Note appear legalistic, it is however mindful that these conditions have legal effect and require to be interpreted in their daily operation, and that by the police, authorised officers, members of committee and licence holders. Precision in language is therefore important to ensure that lawful rules are clearly understood by those bound by them, and by those enjoined to enforce them. For the reasons stated more fully in the Note, it appears to our client that legal authority for several of the proposed conditions is absent. Section 3B of the Act does not confer upon the Licensing Authority the right to impose any conditions, howsoever well intentioned they may be. Some of the proposed conditions, while perhaps not unlawful, do not appear to our client to have a rationale which justifies change. My client accepts that it does not have the benefit of the Licensing Authority's recent experience in the administration of taxi licensing in the city and for that reason is willing, in the context of a proper consultative exercise, to discuss the need for change in order to address any present issues which are, on the basis of relevant and real evidence, requiring to be addressed in operation of licensed taxis in Edinburgh.

### **Recent Developments**

The Taxi Trade in the City (if not beyond) is facing a number of threats and challenges. The supply of drivers is on the wane, making it more difficult for owners to fill shifts in order to ensure the city has the adequate supply of taxi services which it demands. Revenues are suffering. Recent change in Licensing Authority policy or action is seen as contributing to this difficulty, not least changes to the topographical test one of which, my client understands, is the demand for a nearest main road answer to streets listed. The prior approach was simply to require an adjoining road or street. One questions what is a "main road" in these circumstances and how is arbitrariness in the selection of same to be avoided? The STF understands that failure rates have risen in consequence of the change in approach. It is not at all clear to our client, or its constituent members, what has precipitated this change. The response to a recent freedom of information made on our client's behalf demonstrated that the Licensing Authority does not have to hand any information to support an assertion that there is a problem evident in the level of licensed taxi drivers' knowledge of the streets and places in Edinburgh. Indeed, even if the number of complaints received against drivers since 2012 (1280) all related to a demonstrable lack of knowledge of streets and places (which they did not), that would still only amount to an infinitesimal percentage (approximately 0.00365%) of the taxi journeys which are undertaken in the city by licensed black cabs in the period. This is hardly sufficient justification to require the raft of proposed (and actual) changes to training, tests and conditions which are being considered (or have been imposed). The move towards an almost immoveable barrier against the grant of late driver renewal applications has also seen several experienced drivers leave the trade. The general feeling, and it is one that is in our experience not without substance, is that the Licensing Authority fails to appreciate the value of years of actual driving experience and discounts that in

preference to the artificial results of a paper based test. Our client considers that the trade representatives, which, in the absence of any person having experience of driving a taxi in Edinburgh in the policy making side, must be best placed to inform policymakers of the actualities of driving a cab in the city and the effect of policy change, are insufficiently consulted for an experienced and informed view when change is proposed. Indeed, in point of fact we understand that no consultation was attempted prior to changes to the topographical test being made. The absence of any consultation on such significant changes is a matter of real concern to our client.

Our client hopes that its view on the matter of the proposed conditions, and its formerly stated view on proposed mandatory training, is considered as seriously as it is stated. Its offer to engage in effective discussion with policymakers, in advance of any change, is once again extended.

We look forward to hearing from you.

Yours faithfully



Jonny Nisbet  
Principal & Solicitor Advocate  
Nisbets, Solicitors & Solicitor Advocates

NOTE ON PROPOSED CHANGES TO CITY OF EDINBURGH COUNCIL STANDARD LICENSING CONDITIONS FOR TAXI  
LICENCE AND TAXI DRIVER LICENCE HOLDERS

ON BEHALF OF THE SCOTTISH TAXI FEDERATION

**Introduction**

What follows is the response of the Scottish Taxi Federation (STF) to the public consultation on changes to standard conditions of licence in respect of taxi and taxi driver licence conditions by the City of Edinburgh Council, published at the end of 2015. It should be read alongside the covering letter from Nisbets Solicitors & Solicitor Advocates of 26 January 2016. The observations in this Note follow the structure of the proposed conditions

**1 Definitions**

- 1.1 This document commences with the definition of a number of terms. The use of defined terms can be very useful in cutting down longhand repetition of terms used at least more than once in a document. To operate effectively, once defined the defined term (normally identified with a capital letter at start of each word) requires to be used consistently throughout the document. The proposed conditions evidence departures from this consistent approach. Terms which are defined are not then used in capitalised form (e.g. "Hire"; "Licence Holder"; "Licensed Vehicle"). Longhand repetition is seen in respect of already defined terms (e.g. City of Edinburgh Council is used when it is already defined as Council). Defined terms are incorrectly stated (e.g. Reasonably Practical instead of Reasonably Practicable) and defined terms are omitted in substitution for terms which are not defined (e.g. Licensed Vehicle is defined, but "hire vehicle" and "hire cars", each of which are undefined, are respectively used in various conditions).
- 1.2 The definitions are, at times, a little difficult to comprehend, for example the definition of "Hire" discusses "uplifting a passenger from a stated location...". It is not clear who "states" the uplifting location on any particular occasion. Generally, neither party states a pick up location on a street pickup. It is important as the definition in its current form may in consequence exclude street pickups from its meaning, or at least give rise to argument. The definition of "Representative" appears to suggest that the drivers of radio circuit vehicles are operating as agents for the Company, when in fact the STF considers that the opposite is true. Also, the definition of "Licence Holder" does not appear to include a holder of a taxi driver's licence.

- 1.3 There is a clear mistake in proposed condition 2(1)(c). Some of the other proposed conditions do not read particularly clearly, for example 2(1)(e), which also refers to a Rectification Notice being issued by the Taxi Examination Centre, when a Rectification Notice is defined in the definitions section as being issued by an Authorised Officer. Condition 2(2)(a) is also confusing and, at least potentially, contradictory in its reference, where there is a joint licence holder(s), to the registration and insurance being permitted to be held in the name of any of them. A licence issued to a company or partnership *must* have a joint licence holder, but the proposed condition then contradicts the right to hold the insurance and registration by any joint licence holder by appearing to restrict the holder of insurance and the registration to the company or partnership.
- 1.4 No doubt these and other matters of grammar and syntax can be looked at, but the STF is disappointed that the document issued to the public for the purposes of consultation has these clear issues in it. It is the STF's view that, in its current state, the conditions are far from fit for enactment as standard licence conditions.

We turn now to examine the proposed substantive conditions in detail:

## 2 **Part 2 – Taxi Operator Conditions**

### 2.1 *General*

- 2.1.1 Clause 1. imposes obligations on the holder of a taxi licence to *ensure* certain states of fact are valid at all times when a vehicle is being "used for hire". The Licensing Authority will appreciate that many licence holders rent out their vehicles to licensed taxi drivers. Accordingly, for large periods of time the vehicle is not within the physical possession of the licence holder when it is being "used for hire". Ensuring that the expressed states of fact are valid during those periods is therefore not something which a licence holder can achieve. In particular, the requirement to ensure the vehicle is free from dents or damage (an addition to which we will return) and the condition of bodywork etc. is not something which the licence holder will be able to ensure when the vehicle is being used by a driver during that driver's shift. Any damage etc. occurring during that shift would be visible on return of the vehicle to the licence holder, and one may expect the driver and licence holder to have an agreement that any damage etc. is notified immediately to the licence holder, but for the period it is being used for hire under the control of the driver, even with such agreement between driver and licence holder, it is not within the licence holder's power **to ensure** these matters during that period. The same is true for obligations found in proposed conditions 2(1)(a) and (b).
- 2.1.2 Similar considerations apply to the requirement to ensure drivers have a current taxi driver's licence. There is no updated record for licence holders to consult in order to check the present status of any particular driver's taxi licence. All that licence holders have as an objective source in this regard is the published licensing registers, and these may be considerably out of date in a consideration of the status of an individual driver's licence at any given time. If a driver's licence has been suspended, there is therefore no objective means for the licence holder to discover that

fact. Accordingly, the STF considers that this condition requires to be reconsidered in light of these clear practical difficulties with compliance.

- 2.1.3 1.(g) raises a couple of issues of concern. Firstly, the difference between unlawful and illegal is uncertain (and we would suggest absent). It appears tautologous to include both terms. Only one term need be employed, if it is necessary to include either. We note that the Circulars from the Scottish Development Department, which give guidance to licensing authorities in relation to the imposition of licence conditions, suggest the use of "illegal". That would be acceptable to the STF and its members.
- 2.1.4 The inclusion of "immoral" in the list of prohibited conduct is more troubling. There are rules of law, capable of being identified in statute or court decisions, and there exist courts of law with procedures designed to interpret and enforce those rules. There is no such thing as a promulgated moral code, or a court of morals. As far as enforcement of the conditions is concerned it would fall, in the first instance, to the Police and Authorised Officers. Are constables and Authorised Officers (and licence holders) to be issued with a guide to moral conduct in the operation of licensed vehicles? If so, who is to be the author of that guide and what are his, her or their qualifications to sit in moral judgment over licence holders? This is a very sticky area to travail in the STF's view. For example, what is moral conduct in one religion, may not be viewed as such in another. All sorts of difficulties are foreseen in the enforcement of this condition.
- 2.1.5 Conduct which is considered to be contrary to societal mores is already reflected in many rules of the common law as far as crimes are concerned in Scotland. The STF's view is that there is no authority given to the Licensing Authority to be determining what is to be considered moral and what is immoral conduct, let alone conferring a power to do so on constables and authorised officers. If conduct or use is illegal, then it can be readily understood to be so and punished accordingly. That, in the STF's view, is more than sufficient to meet the purpose of this proposed condition.
- 2.1.6 The concept of being free from any dents or damage is entirely uncertain. Operating a vehicle for 24 hour periods on this city's roads will inevitably give rise to small dents through chips from the road coming into contact with the vehicle. This may cause a dent, or damage. Many of these will be imperceptible to the eye without very close inspection. The STF considers that there should be a qualification to this condition to the extent that the dent or damage is visible without close inspection. Anything smaller has no bearing on either the aesthetic standard of the vehicle to passengers and the public or its being roadworthy and safe for the conveyance of passengers by way of public or private hire. If this is to be included, perhaps some adjectival clarification could be used, such as "material" or even "dents or damage clearly visible from a distance of one metre".
- 2.2 *Registration and Insurance*
- 2.2.1 As was noted in our email to Gordon Hunter earlier in January 2016, it is not clear to us or to the STF what pressing licensing issue these proposed changes at paragraph 2 of the conditions pertaining to taxi licence holders are intended to deal with. The STF considers that the policy objective must be to ensure that at all times there is a valid policy of motor insurance as required

by section 143 of the 1988 Act and which covers the insured risks to the driver, passengers, other road users and the public from the operation of the vehicle. That objective is achieved by requiring that one of the licence holders, each of whom will have an insurable interest, takes out and holds the relevant policy. In many (indeed, we would venture most) cases the taxi vehicle is owned by the individual joint licence holder and that individual is also the registered keeper of the vehicle. In many respects it makes far more sense for them to hold the cover, as their interest is all the greater in consequence of their ownership of the asset. The change proposed to the conditions may precipitate an involuntary alteration in the trading status of dormant companies who hold licences (itself perfectly acceptable in law) and may also lead to the loss of considerable no claims discounts held by individual joint licence holders and built up over a number of years. The necessity for change is not at all evident. It is submitted that the present condition is more than adequate to achieve the policy objective and, unless there is a valid reason for altering it to deal with a particular issue of concern (which we have enquired about but which so far has not been communicated), the STF sees no requirement to alter the status quo. The status quo already allows licence holders, if they choose, to insure in the name of the company or partnership as separate legal persons.

- 2.2.2 2.(c) is not clear what "conditions" this proposed condition is referring to. Are these only the conditions in relation to registration and insurance, or is the intention to refer to the standard conditions more generally (which would throw up a number of anomalies)? What does it mean for a vehicle to "stand"? Does this mean rank? If so, maybe this wording could be altered to reflect that meaning in order to avoid confusion. Perhaps "rank at any stance or ply for hire"? The use of the pronoun "it" does not appear appropriate. The vehicle cannot comply with the conditions where compliance is the responsibility of the licence holder.
- 2.3 *Vehicle Inspections*
- 2.3.1 3.(b), the requirement here is to comply with "relevant" Construction and Use Regs. What exactly are the relevant regulations for compliance by the licence holder? The Licensing Authority approves the type of vehicle. In that approval process one assumes that consideration is given by the Licensing Authority to the vehicle's specification by the manufacturer. It is the manufacturer that is in a position to ensure compliance with the Regulations on construction. The individual licence holder cannot be expected to know whether the vehicle has been constructed according to the Regulations. Licence holders require to be able to read these conditions and understand what their obligations are. If they are limited to use, then specification of that would assist enforcement and compliance.
- 2.3.2 3.(d) There may be causes beyond the control of the owner or operator which prevented attendance at the appointed time. It seems unduly harsh not to admit that possibility before a public authority imposes what is, effectively, a financial penalty. Perhaps an obligation to contact the Taxi Examination Centre to advise if there is to be a problem with attendance allowing an assessment of fault to be undertaken for the purposes of determining liability to make payment, or better the inclusion of a "without reasonable excuse" qualification.

2.3.3 Additionally, the imposition of a full test fee if the vehicle is not re-presented for a period of 10 days or more fails to have regard to the possibility that parts required to remedy the cause of previous test failure may not be readily available. There may be other good reason why the 10-day period cannot be complied with. Imposing a full test fee in these circumstances seems unjust. There appears to be no loss to the Licensing Authority if the taxi is not submitted again for testing for (say) 12 days following an initial failure, and the whole point of having the test around 1 month prior to the renewal date is to allow that period of time to ensure that the vehicle is in an appropriate condition to have renewed plates affixed at the end of the (then) current licensed period. Accordingly, this condition appears at odds with the Licensing Authority's practice in giving that one-month period to achieve that end.

2.3.4 3.(f) this provision appears to innovate on the time period permitted by Statute for return of the plates to the Licensing Authority in circumstances where the taxi is sold or disposed of (28 days). This could be one reason for there being no certificate of compliance. Accordingly, in so far as the reason for not having a certificate of compliance is concerned is because the vehicle is no longer being used as a licensed taxi vehicle in Edinburgh, the STF considers this condition to be ultra vires.

#### 2.4 *Display of Plates*

2.4.1 8 – This proposed provision appears to assume that, in all circumstances, the Licensing Authority will be able to issue replacement plates immediately, or in any case by the next working day. If it cannot do so, then the Licence Holder is in breach, and a criminal offence is committed. The STF does not consider this to be the intention for this condition. It is suggested that an obligation to obtain replacement plates "as soon as reasonably practicable" is sufficient to impose an obligation on the licence holder to act without delay, and also provides a basis to avoid liability on account of the Licensing Authority being unable to comply with very tight timescales.

#### 2.5 *Wheelchairs*

2.5.1 24.(a) It is not clear what is intended by the use of "serviceable" in these provisions. Perhaps "operational order or condition"? There would also appear to be no practical requirement to have ramps in the vehicle at all times when the driver is wheelchair exempt.

2.5.2 24.(b) the STF is not clear on why this additional restriction on the use of ramps is justified? The policy objective must be to ensure that working ramps are onboard at all times when the vehicle is available for carrying wheelchair users. Owners may (responsibly) own more than one set of ramps, and may be in need from time to time, in order to ensure compliance, of the use of a spare pair of ramps in the vehicle. Indeed, the proposed condition 24.(c) appears to reflect an understanding on the part of the Licensing Authority that the ramps may not necessarily have come with the vehicle. Engraving of ramps will be expensive and there appears no clear licensing rationale for this requirement in addition to the requirement that ramps in operational order must be carried when the vehicle is available for carrying wheelchair passengers.

2.5.3 The requirement for a safe working load to be certified is another area of uncertainty. Who is to be the certifier? Does this require CEC to carry out (or arrange for) a process of testing each and

every set of ramps carried by taxis in the city? The STF would appreciate clarification of the purpose and intentions in respect of these proposed conditions. It is assumed that licensed taxi drivers will, of course, continue to be able to make their own safety assessment without requiring to enquire of passengers their combined weight and that of their wheelchair. If this is not correct, the STF would wish the Licensing Authority's view clarified.

2.5.4 24.(c) If the plate is not attached by the manufacturer, again is there to be a CEC certified process and production of plates to be affixed to the lift and ramp?

2.5.5 24.(d) "and are **made** aware" would be more appropriate, a driver's own particular level of awareness is not something which the licence holder is qualified to judge.

## 2.6 *Exceptions to Hire*

2.6.1 29. – This provision imposes what amounts to strict liability in respect of the carrying of articles with the characteristics described. A licence holder may not be aware that he or she is carrying such articles. Accordingly, this should be qualified by the adverb "knowingly". To cause or permit, of course, already implies knowledge of the characteristics of the articles the carrying of which is caused or permitted.

2.6.2 31. – The illegal, unlawful and immoral question again. The STF's view on this mirrors its earlier comments. Illegal would be sufficient and would be capable of clear understanding and enforcement.

2.6.3 32. – One is led to the question what exactly is an infectious or contagious disease, the flu, a common cold? Clarification of the boundaries of this condition should be given.

## 2.7 *Receipts*

2.7.1 33. – Receipts are, in the vast majority of taxis operating in the city, issued electronically, and without the name of the driver. This proposed condition would, in order to include the driver's name, necessitate the issuance of two receipts and duplicated effort. The identity of a driver of the vehicle at any point can be readily ascertained by a number of methods, not least by asking the driver for sight of his badge, which, of course, he must wear at all times and produce on request (as per the proposed conditions). This proposed condition is unnecessary given adequate provision to meet the desired objective.

## 2.8 *Return of Licence and Plates*

2.8.1 47. – This proposed condition contradicts the provisions enacted by Parliament for the return of the plates in these circumstances (28 days). The Licensing Authority does not have the power to impose conditions which cut across the periods afforded to licence holders to carry out this act by Parliament. Accordingly, the STF considers this provision to be ultra vires.

## 2.9 *Miscellaneous Compliance*

2.9.1 48.(a) – an Authorised Officer has no duties under the conditions and is not subject to them (the STF assumes that these conditions are not incorporated into the contract of employment for such Authorised Officers?). The conditions contain reference to powers held by Authorised Officers,

which powers are conferred in other enactments. The STF would suggest that the clause refers to: "no obstruction of an Authorised Officer exercising any of his powers which are referred to herein".

- 2.9.2 48.(b) – a licence holder would be entitled to refuse to comply with any unlawful instructions of an Authorised Officer or, indeed, constable. This condition does not reflect that reality. The STF suggests that the obligation should be to comply with all reasonable or lawful instructions.
- 2.9.3 48.(c) – We note that this subsection refers only to "officers", a term not defined in the proposed conditions.
- 2.10 *Notification of Convictions*
- 2.10.1 50. – A licence holder is obliged by law (paragraph 9 of Schedule 1 to the 1982 Act) to notify the Licensing Authority of any material change of circumstance affecting him or the licensable activity as soon as reasonable practicable after the change has taken place. Failure to do so is an offence. Material change is defined in the Act to include "any material change in the particulars given or referred to in the application for the grant, or, where the licence has been renewed, the most recent application for the renewal, of the licence". Thus, where a licence holder is **convicted** of an offence, that would require to be notified and a failure to do so would be an offence under the 1982 Act. Likewise, any endorsement of a licence or the imposition of points may also be considered a material change of circumstance and require to be reported. This proposed condition would extend that which is required by the Act and would also create a criminal offence if the condition was not complied with (section 7(2) of the 1982 Act). So, unless the Licensing Authority can justify the material sought as being a material change of circumstance, and it is hard to see how it can do so where the circumstances at issue are not of a kind to be notified by the applicant for a grant or a renewal of a licence, the imposition of these proposed conditions means that the Licensing Authority is going beyond that required of licence holders by the 1982 Act and is extending the reach of the criminal justice system without any warrant or authority to do so. To the extent that this condition requires notification of charges, official warnings etc. short of conviction, the STF accordingly considers it to be *ultra vires*. The STF would also question why it is considered necessary for licence holders to notify of matters which the Licensing Authority ought properly to be able to gather from other official sources, including Police Scotland.
- 2.10.2 51. – The STF views this as a dangerous provision, capable of a whole manner of unintended consequences. It invites all manner of malicious reporting. Moreover, the imposition of these conditions is not within the power of the Licensing Authority. Information about his or her disqualification requires to come from the driver so disqualified (as disqualification would be a material change of circumstance). Failing to provide such notification renders the driver liable to conviction. There is no basis for imposing a criminal penalty on the taxi licence holder simply for failing to advise the Licensing Authority of facts which he has no statutory obligation to inform upon. Clearly an owner with knowledge of the driver's disqualification would commit an offence if he or she, in the face of that knowledge, permitted or caused a disqualified driver to drive. That is a separate act, for which particular statutory provision has been made by Parliament. The 1982 Act does not require one licence holder to provide information on a material change of circumstances of another. The Licensing Authority, accordingly, has no power to require that licence holder to do

so by condition. As regards the reporting of suspected medical conditions, use of drugs and sexual offences, any reporting could, if false, be defamatory subjecting the person making the statement to a claim in damages. However, again there is no authority given to the Licensing Authority by the 1982 Act to impose this as a condition on an operator of a licensed taxi. It is ultra vires in its entirety in the STF's view.

#### 2.11 *Training*

- 2.11.1 52. For reasons which the STF advanced in our correspondence to the Licensing Authority in response to the public consultation on the proposal for mandatory driver training, the Licensing Authority is aware of the STF's reasoned view on why it is that the Licensing Authority has no power to introduce mandatory training on renewal of a taxi driver's licence, or indeed at any time following the initial grant of the licence. The same view is held by the STF in relation to mandatory training for taxi licence holders. We should add that while the STF appreciates that mandatory testing has been employed in other licensing areas, a study of relevant authorities on a licensing authority's power to impose conditions demonstrates that the proliferation of ultra vires acts in similar form across licensing areas is of no moment when the imposition is without lawful authority.

### 3 **Taxi Driver Licence Conditions**

#### 3.1 *Condition of Vehicle*

- 3.1.1 107. the comments made earlier concerning the ability to obtain a replacement from the Licensing Authority by the next working day apply also to this proposed condition.
- 3.1.2 108.(b) comments stated previously concerning the dents and damage specification apply equally to this condition.
- 3.1.3 109. this proposed condition discusses a driver "operating" the vehicle, a term hitherto employed in respect of the activities of a holder of a taxi licence. This is accordingly a confusing use of language.
- 3.1.4 110. This proposed condition provides that a driver must "complete any hire engagement at the time and location agreed". This does not make sense in context. A driver perhaps picks up a pre-booked fare at an agreed time, but rarely completes a hire at an agreed time.
- 3.1.5 112. States a driver must not accept a hire in certain circumstances, but 112.(d) proceeds to discuss circumstances where the hire has already been accepted.
- 3.1.6 113.(b) again, for this proposed condition "knowingly carry" is appropriate to avoid strict liability.
- 3.1.7 113.(d) The STF's view expressly previously in this Note on the unlawful/illegal and immoral provisions is adopted in respect of this proposed condition.
- 3.1.8 115. There is an obligation in this proposed condition to inform the Licensing Authority "immediately". "As soon as reasonably practicable" is considered more appropriate in the context

of potential criminal liability. The driver with health issues may have more important things on his mind than advising the Licensing Authority of his inability to transport animals.

- 3.1.9 116.(a) one assumes that it is not intended that a driver take the training prior to every occasion that he intends to drive a Licensed Vehicle. This proposed condition could be read as requiring such. Clarification would be helpful.
- 3.1.10 116.(b) again, a reference to "serviceable", a word of uncertain meaning in this context.
- 3.1.11 116.(c) The driver cannot possibly ensure that the ramps are carried on the vehicle "at all times", as in most cases he is not the person driving the vehicle "at all times".
- 3.1.12 116.(d) The ramps do not belong to the driver (unless he is the owner).
- 3.1.13 116.(f) the STF would question whether it is reasonable (and realistic) for the Licensing Authority to expect a driver to ensure that the equipment meets technical standards? How is the driver to discharge this obligation without detailed, technical and specialist knowledge?

### 3.2 *Passenger Assistance*

- 3.2.1 133 – Drivers are not medical or care professionals, and the Licensing Authority training provided does not meet that standard (and is unlikely ever to). It is not clear what "assist" the passenger to get out of the wheelchair and into a seat and back into a wheelchair actually entails. This condition does not appear to admit of the driver's right to carry out his own risk assessment. Physical contact may be required, with the attendant risk that brings. If the driver is obliged as part of his conditions to assist, there is a question as to liability for injury to him or herself and also to the passenger. Of course, the driver is compelled, by the Licensing Authority's imposition of this condition, to effect the assistance, as otherwise he commits a criminal offence. The STF can see a case for liability on the part of the Licensing Authority in these circumstances. This proposed condition needs to be reconsidered in order to ensure clarity on the part of the licence holder, and to allow the trade to consider the risk to its members from the assisting which is required. Perhaps further insurance will be necessitated.

### 3.3 *Driver Behaviour*

- 3.3.1 140. Unlike smoking lit tobacco products, the use of electronic cigarettes and vaporisers is not illegal in a public place in Scotland. The "clean air laws" in Scotland do not place any prohibition on the use of electronic cigarettes in public. There is no legislation before Parliament in which proposals for prohibiting the use of e-cigarettes and vaporisers is under legislative consideration (albeit that there is legislation on the sale of those products – the opportunity was accordingly there to legislate, but it is entirely possible that the lack of evidence of harm prevents such steps gathering the necessary support). In these circumstances, the right of the Licensing Authority to use licensing conditions as a means to control the freedoms which licence holders otherwise have at law is questionable. Further, the proposed promulgation of the condition appears predicated on a question of public health, a matter which is not for the Licensing Authority to regulate by condition. This condition is accordingly ultra vires in the STF's view.

- 3.3.2 143. The use of a mobile phone in a taxi serves a number of useful purposes. Mobile phones are a means of communication between the driver and his radio control room. Mobile phones also perform a vital safety role in what is undeniably a situation of risk for a lone driver. While the STF notes that this proposed condition does not purport to prevent use of these devices, it is not at all clear what "impedes communication with fare paying passengers" means? Without clarity here, enforcement issues may arise.
- 3.3.3 146. Parliament legislates for road traffic and emissions. It is not clear that the Licensing Authority has a right to impose conditions by way of licensing which Parliament itself regulates separately. This condition appears to be ultra vires.
- 3.4 *Stances*
- 3.4.1 158. This condition would prevent a driver from parking his vehicle up lawfully, locking it and going over to stand at a fully occupied rank to have a chat with his friends and colleagues. There appears no policy reason why such a restriction on liberty should be enforced by way of condition. If this is not what is intended, the STF considers that clarificatory language requires to be employed.
- 3.5 *Suspension of Licence*
- 3.5.1 163. There is, in the STF's view, no authority for the Licensing Authority to criminalise a driver for failing to make arrangements for receipt of correspondence if he or she is absent from their permanent address for a period in excess of 14 days. If the Licensing Authority validly services a notice and the driver fails to receive it due to his or her absence from the address provided to the Licensing Authority for receipt of correspondence from it, then the driver may face the consequences of that. That is the licensed driver's responsibility. It does not confer on the Licensing Authority a right to impose a condition that he or she make the arrangements proposed.
- 3.5.2 164. Section 11 of the Act does not authorise a "withdrawal from service" of a vehicle. It authorises a suspension of a licence. The label to be affixed to the vehicle does not have the effect of suspending the licence, the exercise of the power contained in section 11 has that effect.
- 3.6 *Return of Licence and Card*
- 3.6.1 165. While a driver would not be authorised to drive a Licensed Vehicle in the given circumstances, the withdrawal of his authority to drive is a material change of circumstance and his obligation to notify is contained within the Act. The obligation is to notify as soon as is reasonably practicable, not immediately as is stated here. Again this condition innovates on the Act and is ultra vires.
- 3.7 *Medicals*
- 3.7.1 167. Again, strict liability appears to be applied with no recognition that there may be a good objective reason why the driver was unable to attend, for reasons of health for example. This should be recognised, and the use of "without reasonable excuse" is suggested.

3.7.2 169. Again, there is a requirement to report immediately, but this time it is coupled with a period of two days, calling into question the intended meaning of “immediately” in this and indeed other proposed conditions where that term is used. The proper obligation to notify is, for the reasons already submitted, “as soon as reasonably practicable”, which would properly admit of circumstances which would render notification unreasonable or impractical within two days.

3.8 *Notification of Convictions*

3.8.1 173. For the reasons previously noted, the requirement to advise of charges (for offences) is ultra vires. The requirement to inform the Licensing Authority about cautions and fines etc. on the driver application form is in itself of dubious legality and thus the condition requiring the Licensing Authority to be informed within any period is likewise of uncertain legality in its imposition as a licensing condition.

3.8.2 178. This proposed condition simply repeats a rule of Statute law. The reason for its inclusion as a condition is not obvious to the STF.

**Nisbets, Solicitors & Solicitor Advocates**

**January 2016**

# UBER

Forsyth House  
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Edinburgh EH2 3ES

Gordon Hunter  
City of Edinburgh Council  
249 High Street  
Edinburgh EH1 1YJ

29.01.2016

Dear Gordon,

Thank you for giving us the opportunity to share our views on the proposed changes to the taxi and private hire driver policy in Edinburgh.

At Uber we believe very strongly in making cities more efficient, promoting high quality service and improving safety in the industry, and I'm delighted that we share the council's ambitions in this regard. We're also thankful for the chance to outline what we think are ways that The City of Edinburgh Council can better promote competition through improved Private Hire Licence policy.

A more competitive Private Hire market in the city would open up a significant number of opportunities for existing private hire drivers, those currently out of work, as well as consumers.

With this in mind, we would like to respond to a number of the recommendations in the consultation and submit a few proposals for your consideration.

In Summary:

**1. We recommend that The City of Edinburgh Council should not increase barriers to entry to being a Private Hire driver with provisions relating to mandatory training qualifications:**

- Edinburgh is currently undersupplied with PHVs and this is bad for the people of Edinburgh and has led to relatively higher prices in Edinburgh vs other cities
- Increasing barriers to becoming licensed as a private hire driver reduces the sector's potential economic contribution, without introducing any corresponding benefits in either quality of service or passenger safety
- There is a growing trend amongst other UK licensing jurisdictions of removing mandatory qualification requirements for private hire drivers
- Training qualifications are not indicators of trip quality; and our own data supports this.

**2. We recommend that The City of Edinburgh Council remove the requirement that vehicles fitted with taximeters must operate the taximeter at all times:**

- Requiring vehicles fitted with taximeters to operate them at all times restricts competition in the Private Hire market
- Requiring vehicles fitted with taximeters to operate them at all times limits flexibility for private hire drivers.

**3. We recommend that The City of Edinburgh Council amend the requirement for a private hire driver to provide a signed receipt for a fare if requested by the passenger**

- Electronic receipts, which are not signed, should be acceptable under the conditions.

**4. We recommend that The City of Edinburgh Council removes the restrictions relating to a private hire driver's dress code**

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**Detailed response on the above points:**

**1. We recommend that The City of Edinburgh Council should not increase barriers to entry to being a Private Hire driver with provisions relating to mandatory training qualifications**

**S.106** *"The licence holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council"*

**S.253** *The driver is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.*

**Edinburgh is currently undersupplied with PHVs and this is bad for the people of Edinburgh and has led to relatively higher prices in Edinburgh vs other cities**

The people of Edinburgh are the most underserved in terms of access to private hire vehicles out of all the UK's major cities: In Edinburgh, there is only one licensed private hire for every 519 people compared to the national average where there is one for every 290. Glasgow, a comparable Scottish city, has one private hire vehicle for every 230 people - which means it has over two times as many PHVs per person. This relative lack of private hire vehicles on the road in Edinburgh has led to more expensive prices for Edinburgh consumers: as an example, the average private hire ride is 28-60%<sup>1</sup> more expensive in Edinburgh than Glasgow.

City	Population*	PHVs in City**	Population per PHV
London	8,173,900	78,690	104
Birmingham	1,073,000	4,052	265
Leeds	751,500	3,877	194
Glasgow***	598,830	2,602	230
Sheffield	552,700	1,576	351
Manchester	503,100	2,898	174
<b>Edinburgh***</b>	<b>495,360</b>	<b>954</b>	<b>519</b>
Liverpool	466,400	1,464	319
Bristol	428,200	934	458
National Average			290

\* Office of National Statistics, 2011 Census

\*\* Taxi and private hire vehicles statistics, England: 2015

\*\*\* Scottish Transport Statistics, No 32 2013 Edition

<sup>1</sup> Median price for a 3 mile, 10 minute private hire vehicle trip in Glasgow is approximately £5.60 vs £7.16 in Edinburgh (metered price with a 20% discount); or £8.95 (where no discount to the metered price is offered). Of approximately 18 sample private hire trips undertaken for research purposes by Uber in Edinburgh, a discount to the metered price was offered on only 50% of trips. The average discount, where offered was 20% to the metered price.

The relative shortfall in the number of private hire licences in Edinburgh is significant because taxi and private hire exist to do different things and most of the time they serve different people. In our experience, there are some common attributes of private hire vs Taxi:

1. **It's generally cheaper:** People can shop around for the best deal in private hire. That means operators have to compete for their business and hence is more affordable for the consumer.
2. **It's more efficient:** Less ranking means drivers can stay busier and potentially make more money, even with lower fares
3. **It goes where taxi doesn't:** A pre-booked service will come to the customer, not wait in the city centre for fares. In London, for example, roughly a third of Uber's rides start in the suburban Zones 3-6. Taxis, by contrast, typically spend their time in places with higher concentrations of people, and where ranks are available

Uber, and services like it, have attracted a whole new group of passengers; people who rarely use taxis. These individuals either could not afford to take a taxi before, or didn't have the ability to access one easily.

Increasing the barriers to becoming licensed will constrain the number of private hire drivers in Edinburgh. This will provide a much lower standard of service for the people of Edinburgh; with less availability, longer waiting times, and will reduce levels of safety (as consumers spend more time looking for a ride, potentially on the streets, late at night) as not enough vehicles or drivers will be available. Prices may also increase as a result, as the market (operators/drivers) corrects for the lack of supply with higher prices.

Increasing barriers to becoming licensed as a private hire driver reduces the sector's potential economic contribution, without introducing any corresponding benefits in either quality of service or passenger safety.

Taxi and private hire are industries that deal with very variable levels of demand for their services. Put simply, you do not need the same number of people on the road on a Monday morning as you do at pub closing time on a Saturday night.

It is no surprise, therefore, that many private hire drivers choose to work on a flexible, part-time basis alongside existing commitments. In London, for example, a typical Uber partner works on the platform for around 25 hours per week and there are a very large number that work fewer than 10 hours. These individuals who only choose to work at peak time are vital to Uber's - and therefore the city's - ability to respond to times of peak demand.

We're also convinced that there are significant potential economic benefits that the private hire industry can bring to the city of Edinburgh. An easier and swifter private hire driver licence application process would open up a significant number of opportunities for the unemployed in the city.

New technology combined with common-sense regulatory reform has made it possible for people to push a button and get a safe, affordable ride across town day or night. This in turn has created new opportunities for people to earn money as drivers. What's interesting is that rather than simply displacing taxis, apps like Uber appear to be growing the overall transportation sector. It's not a zero-sum game.

Driving with Uber, and services like it, not only provides options for those looking to fill the gap between two jobs, but the flexibility to work when and how you want can be tremendously valuable for students, those fitting their career around childcare or even those coming to the end of their working life.

According to the Economic Development Association Scotland there are 256,000 workers in Scotland who wanted more hours of work than they were currently getting. This meant 10.3% of the Scottish workforce was under-employed.<sup>2</sup> A significant number of these individuals live in Edinburgh and private hire is one

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<sup>2</sup><https://www.skillsdevelopmentscotland.co.uk/news-events/2015/december/edas-event-examines-underemployment-and-workforce-planning/>

potentially significant example of a solution for these individuals. Adding a qualification requirement would be a significant new barrier, deterring many prospective private hire drivers from applying to become licensed for the first time.

There is a growing trend amongst other UK licensing jurisdictions of removing mandatory qualification requirements for private hire drivers.

With the huge advances in technology over the last 10 years, and the widespread adoption of GPS navigation and real-time mapping, the requirement to have an extensive local knowledge in order to take the customer on the shortest / quickest route is simply no longer required. Indeed, mapping apps such as Google Maps and Waze redirect drivers in real-time based on live traffic and speed information.

Newcastle is a good case study of the potential positive impact of a future-proof approach to licensing. The city first considered removing the knowledge test in the city as a specific response to the fact that there were too few applicants for private hire. In removing the requirement for a mandatory qualification / 'knowledge test' in May 2015, Newcastle City Council has since seen a rise in private hire applications, and the number of new applications that the Council has been able to process.

Uber has worked with Newcastle City Council, in developing and running a 'Road to Private Hire' programme aimed at jobseekers and those looking for a career change; particularly for a more flexible way to work. The programme has been successful in stimulating new applications four-fold and getting people into work who had previously been unemployed.

Mandating a qualification as part of the private hire licensing process, puts a significant strain on city council staff and facilities. This is of particular concern given the expected rise in private hire applications in-line with the growth of the private hire industry.

Training qualifications are not indicators of trip quality; and our own data supports this

According to our data analysis, cities without a geographical test as part of the licensing process continue to deliver a quality of service on par with others who retain this hurdle. For example, in Newcastle-upon-Tyne; where since May 2015 no knowledge test is required; Uber Partner-Driver's licensed without a knowledge test have a rating from passengers which is equal to our national average.

Almost all private hire drivers now have advanced navigation systems that are able to accurately direct drivers to any pick-up and destination. This technology is often able to out-perform human 'knowledge based' navigation, as it is able to take into account optimal routing for all journeys, real time traffic conditions, road works, and new addresses.

A statistically accurate study of 0.5 millions trips across 7 cities found that 96% of all UK Uber partners-drivers, regardless of having taken a Knowledge Test or not relied on in-App Navigation to help them find the best route for their trips. Nationally the use of GPS navigation in Private Hire Vehicles has grown 10% pa since 2009, and this competency is now trialled as part of the National Driving Test.

In the last 12 months both the Law Commission<sup>3</sup> and Competition and Markets Authority<sup>4</sup> have recognised that mandatory testing of geographical knowledge is ineffective and unnecessary in a 21st century private hire market. Prior to satellite navigation, topographical tests may have provided some guarantee of effective navigation but it is no longer obvious that they are necessary for that purpose. As noted above, they do raise barriers to entry, thus reducing the supply of PHVs and ensuring that customers will wait longer for a vehicle, and almost certainly have to pay more for the service.

<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/314106/9781474104531\\_web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314106/9781474104531_web.pdf)

<sup>4</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/481450/CMA\\_response\\_to\\_TfL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481450/CMA_response_to_TfL.pdf)

We are confident that, if approved, mandatory qualification requirement for private hire drivers would reduce the number of private hire vehicles licensed in Edinburgh City, and would have a detrimental impact on all parties involved including drivers, operators, customers and the council.

**2. We recommend that The City of Edinburgh Council remove the requirement that vehicles fitted with taximeters must operate the taximeter at all times**

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**S.68** *"The holder of a licensed vehicle which has a taximeter fitted to the vehicle shall ensure that the taximeter is operated at all times"*

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We recommend the removal of the requirement for taximeters to be operated at all times in licensed vehicles with a taximeter fitted. We believe that drivers should be allowed to have meters fitted, but that it is optional whether the meter is used or not. Considering all Private Hire trips are pre-booked, and customers can get a fare quote before they ride, there should be no requirement to mandate the use of the meter. This is also a very unusual condition that we have not seen in any other major UK city.

Requiring vehicles fitted with taximeters to operate them at all times restricts competition

In our experience in Edinburgh<sup>5</sup> and elsewhere in the UK, mandatory use of taximeters in Private Hire Vehicles have led to customers being charged higher prices, and a reduction in flexibility for drivers.

Instead, regulation should focus on ensuring customers are not overcharged, and that fares are transparent to them at the point of booking. In a 21st century technology enabled market, it is unclear that meters are the best way of doing this. Limiting the flexibility of variable pricing models limits the ability of operators to introduce innovative pricing models that are popular with customers. The adoption by Uber is the best evidence that price competition between providers is already leading to innovation.

In December 2015, the consumer watchdog "Which?" noted that pricing models like Uber's provide a clear upfront estimate range, and is calculated on the basis of a pre-determined basis and by the operator (not the driver) on the basis of a GPS assessment of the journey – reducing the risk of overcharging the rider.

Uber's dynamic pricing model encourages more drivers to become available at times of high demand. This helps combat imbalances in supply, and provide greater reliability of service, with increased availability of cars, shorter waiting times, and increased levels of safety; as more vehicles are made available.

Consumers benefit from effective pricing competition, exerting pressure on prices and upward pressure on service quality and standards.

Requiring vehicles fitted with taximeters to operate them at all times limits flexibility for drivers

The ability of drivers to be flexible and move their labour across multiple platforms is a vital principle in maintaining a competitive market in Edinburgh. It allows operators to compete for drivers, which should lead to upward pressure in the driver offering. Positive changes in the driver offering helps to increase the number of prospective private hire drivers applying to become licensed for the first time.

Limiting drivers' choice of operator can create a strong network effect, as it would encourage drivers to work only for the operator with the most customers. The direct consequence would be a market that supports a smaller number of larger operators.

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<sup>5</sup> Of approximately 18 sample private hire trips undertaken for research purposes by Uber in Edinburgh, the full metered price - the same price as a black taxi - was charged by the private hire drivers in 50% of trips (9 out of 18 trips).

### 3. Recommend removing the requirement to provide a signed receipt for a fare if requested by the passenger

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**S.33** *"The licence holder shall ensure that, at the termination of the hire, a signed receipt for the fare shall be provided by the driver of the licensed vehicle to the passenger if requested..."*

---

Electronic receipts, which are not signed, should be acceptable under the conditions.

We support the proposal that consumers should be able to request a receipt for private hire journeys, and believe that greater transparency is a good thing. However, with modern technology, we believe the requirement for a signed receipt is antiquated. We would request that the licensing condition requires either a handwritten receipt OR an electronic receipt sent directly to the the customer.

With the advent of computerised booking systems, much more information is available to consumers such as exact trip duration, distance, route maps. This post-trip information can be safely relayed to riders in the form of an email, or electronic receipt. The spirit of S.33 should include alternative forms of receipts including electronic receipts, which by their nature do not need to be signed.

### 4. Recommend removing the restrictions relating to a driver's dress code

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**Schedule D** *"All drivers must comply with the following dress code while in charge of a taxi or private hire car - (a) appropriate dress - (i) shirt or polo shirt with collar...(b) inappropriate dress - ...denim type jeans..."*

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A mandatory dress code plays no part in the safe, reliable, and cost-effective transportation of consumers in the private hire industry, and is not something which is typically regulated by local government in the UK

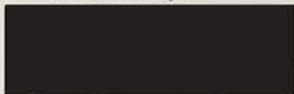
While we respect the ambition of Schedule D in improving the perception of quality of service of the private hire industry in Edinburgh, in reality, a regulated dress code plays no part in the effective operation of a private hire journey. For the most part, riders are seldom able to see if their driver is wearing denim type jeans, nor the driver's type of footwear; sports or otherwise.

The decision to impose a dress code for private hire drivers should be at the discretion of the businesses providing the service. Enforcing against private hire drivers for the breach of Schedule D, as it currently stands represents an ineffective use of resource, and unjust economic penalty for drivers.

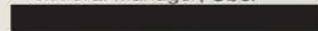
In submitting our response to this consultation, we are confident that, if our recommendations are implemented, the private hire market in Edinburgh will improve for the better, and create better economic opportunities for the people of Edinburgh, as well a better offering to consumers through increased competition among current operators.

We look forward to hearing the feedback from the consultation and hope that you have found our views and suggestions helpful. Please do not hesitate to get in touch if you would like to discuss our proposal, or any of our comments in more detail.

Yours sincerely,

A black rectangular redaction box covering the signature of the sender.

Max Lines  
General Manager, Uber

A black rectangular redaction box covering the contact information of the sender.

**From:** Douglas Brown  
**Sent:** 28 January 2016 21:56  
**To:** Gordon Hunter  
**Subject:** Taxi/Taxi driver licensing

Douglas Brown  
Edinburgh Taxi Driver  
City Cabs member

Hi Gordon,

Thought I'd send you direct a view concerning the proposed changes/additions to taxi/taxi driver licensing conditions, sent with good intentions I hope you welcome my view.

View

A number of new additions/changes that I've picked up on are as follows.

2(a) Registration document and insurance, the council are proposing that if your taxi licence is a company, the registration book and insurance should be in (or/and)? the name of the company, we could do with clarity on this, why the need? My concern if our taxi licence is in the name of a company, our vehicle being registered in the name of a Ltd company may be deemed by the taxman as a company car, exposing us to tax associated with running a company car. Worth our reps checking this out.

24(b) Transportation of wheel chairs, it concerns the ramp, the council are proposing the ramp must show the registration of the vehicle, currently the ramp doesn't have this, if buying a new vehicle we must ensure the ramp has this and taxi dealerships/manufacturers are aware of this requirement.

50(d) Notification of convictions, the council are proposing the need to inform them of fixed penalties/endorsements within 10 working days, why, the current law only refers points to the courts when points reach a level where automatic loss of licence is possible, why do the council need to be told of points unless a loss of licence is a possibility, accepting a fixed penalty and points doesn't count as a conviction, in my opinion notification of points shouldn't be required unless possibility of loss of drivers licence, we need our Reps to bring this one up.

140 Driver behaviour, the council are proposing the ban on using e-cigs within the taxi, as one who uses an e-cig I disagree with their reasoning, here's why, check out link, click on study (bold) for the full research data.

[http://www.churnmag.com/news/scientists ... n-the-lab/](http://www.churnmag.com/news/scientists...n-the-lab/)

This study proves e-cig vapour is harmless, there are many current/potential punters who

use e-cigs, the choice of using e-cigs in a taxi should be the drivers not the council, the same when allowing a punter to use their e-cig, the whole idea of e-cigs is to aid stopping smoking cigarettes, it's been proven that it's the smoke that does the damage not the nicotine, playing a part in encouraging drivers and punters to stop smoking must be seen as the objective in allowing e-cig use in taxis, again it should be up to the driver not the council, I ask all city cab cabbies who use e-cigs to object to the proposed addition to our licence conditions.

143 Whilst driving, the council are proposing No use of Hands Free phones/equipment etc, that means not touching/using whilst driving our PDA/phones etc, no FOJ, bidding, accepting jobs etc, if a police car sees us touching our PDAs they could pull us over, again we need to seek clarity on this one.

These are all proposed changes, I may be wrong in my opinion but some of these seem a bit silly or unfair and the consequences need to be thought out, hopefully our reps will see the sense in questioning some of them.

End of View

Hopefully you'll consider my points when deciding wether to include into licensing conditions.

Regards

Dougie Brown

Sent from my iPad

\*\*\*\*\*

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**From:** Eric Barry

**Sent:** 29 January 2016 22:03

**To:** Gordon Hunter

**Subject:** Response to the consultation on Taxi book of conditions

To Gordon Hunter licensing from Eric Barry Unite Taxi Drivers Branch

Page 8 - General 1(c)

all drivers of the licensed vehicle are **is???** of a current taxi driver's licence issued by the Council at all times whilst they are in charge of the licensed vehicle

Page 9 – Registration and Insurance 2 (a)

Taxi conditions consultation the Council, Cab Inspector or other Authorised Officer at any reasonable time on request.

Where the licence holder is a partnership or company the vehicle registration document and the certificate of insurance shall be in the name of either the partnership or the company **or the day to day manager.**

Page 13 - Transportation of Wheelchairs 24. (a) to (d)

This really needs to be discussed in detail with the taxi manufacturers, dept for transport and the wheelchair manufacturers.

Taxi operators are not in a position to certify safe working loads for equipment the taxi is delivered with

Page 15 – 15 Electronic Security System Forward Facing Camera

This should be “outward facing” as drivers may wish to protect their insurance with side facing and rearwards cameras since the angle of observation of these cameras is less than 120 degrees and a collision or fraudulent collision could come from any direction.

Page 20 – Training 52.

The licence holder is required to comply with the requirements of any scheme of training – Object to this paragraph as it looks like a pre-emptive attempt to force worthless training courses on drivers with many years experience.

Page 35 - Fulfilment of Hire 112 d)

...or using **a** electronic inhaler. Can see no health reason for this rule.

Page 37 - 116

again it is an unreasonable imposition on a driver to be responsible for a SWL being on wheelchair ramps before he commences work.

Page 41 – 140 ecigarettes

There is no evidence of harm to health from e-cigarettes and there is possible evidence that smokers moving to vaping are then exposed to virtually none of the risks associated with cigarette smoking. Taxi drivers should not be made the agents of a Health Mafia making false claims against vaping. (the writer is a non-smoker but respects the rights of those trying to improve their health by giving up cigarette addiction). Taxi drivers, by law, are not responsible for making adult passengers in a separate compartment, fasten their

seat belts and by the same token should not be held responsible for any policing any otherwise legal activity of the passenger.

Smoking is smoking and illegal in public places. Vaping has not been made illegal in public places by parliament. The Council may be Ultra-vires in this attempt.

Page 41 - 143. The driver shall not:

(a) use a mobile phone (even by means of a “hands free” kit). Taxi drivers for years used hand operated radios without incident. Hand held use of mobile phones is not acceptable these days but “hands free” which is incorporated into the Mercedes taxi is safe and legal. The Council should not be seeking to make illegal, otherwise safe legal activities.

(c) If a customer insists on talking at a driver in a manner which the driver does not wish to engage in and does not have any bearing on the conveyance of the passenger to their destination. The driver should be at liberty to switch off the intercom. I for one hate football and drunken footie fans even more. I have no wish to listen to the drivel they speak about their miserable clubs latest efforts.

P42 – 150 Passenger luggage

A driver should be able to make a charge for the carriage of a “flitting” where the passenger wishes to fill the passenger with the contents of a house removal. Particularly applies to student flat removals and the goods cannot be described as luggage. The charge should be by agreement between passenger and driver.

Page 44 - 164 Suspension of license

The use of the words “this **hire car** is meantime certified unfit for public use” is offensive to many taxi drivers and confusing to the public. If a TAXI is put off the road the notice should refer to it as a TAXI not hire car.

Page 45 - 169. Medical condition notification

“within two working days” “a medical examination within the next 14 days “

The Council should not be trying to impose time restraints it itself cannot get anywhere close to. The writers medical took 7 weeks to be arranged and driver license renewals take about 4 months so why impose 14 days on something a driver has no control over and the Council routinely fails to achieve.

Page 46 - 179 Training

Working taxi drivers should not have additional training imposed on them once they have passed the training necessary to be granted their license. Most “extra training” is of little or no benefit to drivers and only benefit the course providers with outrageous remuneration.

Pages 31 and 48 - 87 & 187

We object to the log book being kept by private hire cars circuits. Experience has shown that it hinders enforcement officers from conclusively ascertaining that a PHC driver has been illegally taking street hires. It is known as “Seagulling” and has a name because it happens a lot. Only a hand written timeously completed log book held by each PHC driver will curb this illegality and assist the enforcement officers in the fulfilment of their duties of public safety.

Page None but as an additional thought.

A plate holder should not be faced with an additional cost for their license renewal because they have put a new vehicle. The Council should be encouraging replacement to more fuel efficient less polluting Taxis. A brand new vehicle does not require to be examined to the same degree as a used vehicle coming for a subsequent test so there is less staff time taken up. Why charge us extra when a new Euro6 compliant TX4 costs £42,000 with the extra high road tax for the first year. You should be charging new taxis less in the first year not more.

**From:** Mark Whittet

**Sent:** 24 December 2015 15:42

**To:** Gordon Hunter

**Subject:** 24 DEC 2015; Objections to proposed changes to Edinburgh taxi hire operator rules

Mr Gordon Hunter

Licensing Section

Embra Council

249 High Street

Embra EH1 1YJ

24 December 2015

**I write to oppose the following proposed amendments to the taxi hire regulations issued for consultation by Embra council as specified below;**

It would hereafter be most appreciated if you could ensure that all such documentation, dates of meetings, proposals, etc relating to this consultation are sent to me.

Yours faithfully

Mark R Whittet (LLB, BA, DipLP)  
Elected Community Councillor  
Cramond, Cammo and Barnton Council

Re Registration and Insurance

2. The licence holder shall:

(a) hold in his own name the requisite vehicle registration document and a valid certificate of insurance in relation to the taxi required by Part VI of the Road Traffic Act 1988 or any other amending legislation and the holder of the Licence shall be required to produce these documents to 9 | Taxi conditions consultation the Council, Cab Inspector or other Authorised Officer at any reasonable time on request. Where the licence holder is a partnership or company the vehicle registration document and the certificate of insurance shall be in the name of either the partnership or the company or where there is more than one licence holder, the vehicle registration document and the certificate of insurance shall be in the name of at least one of these holders. The vehicle registration document and certificate of insurance must also state the permanent address of the licence holder named in those documents.

**I write to object to this proposed amendment.**

**There are no practical grounds or requirements for this**

**There is no 'un-solved problem' that needs to be remedied**

**Existing regulations ensure that all vehicles and drivers already comply with all insurance requirements**

**Further, there is detriment to drivers / operators if their vehicle(s) is held by a partnership or limited company with the consequent loss of 'no claims bonuses' built up in previous years.**

**If the council proceeds with this proposal, the council must compensate drivers for the consequent loss of 'no claims bonuses'**

Transportation of Wheelchairs 24.

The licence holder of a licensed vehicle which is suitable for the transportation of passengers travelling within wheelchairs shall ensure that : (a) appropriate access and restraint equipment for the carrying of wheelchairs is serviceable, in a safe condition and is carried on the licensed vehicle at all times; (b) that all ramps carried within the licensed vehicle are stamped with the registration number of that licensed vehicle and have a certificate of safe working load affixed to them; (c) that any passenger lift and ramp used with the licensed vehicle: - (i) has a plate attached to it, readily visible to users, showing the safe working limit of the lift or ramp; (ii) where the lift and ramps were not provided at the time of manufacture of the vehicle ensure that all such equipment complies with British Standard (BS 6109 and BS1756-2:2004) or any replacement standards; and (iii) where wheelchair tie down and occupant restraint systems were not provided at the time of manufacture of the vehicle ensure that all such equipment complies with ISO 10542 or any replacement standards. (d) that all drivers of the licensed vehicle are trained in the use of the passenger lift, where applicable, and all approved restraint systems for the carrying of wheelchairs and are aware of the manufacturer's instructions for using all access and safety equipment on every occasion.

**I write to object to this proposed amendment.**

**There are no practical grounds or requirements for this**

**There is no 'un-solved problem' that needs to be remedied**

**Existing regulations ensure that all vehicles and drivers already comply with disabled passenger loading and there is benefit – and quite the opposite – in requiring extra stamping on 'loose' carriage paraphernalia.**

Receipts 33.

The licence holder shall ensure that, at the termination of the hire, a signed receipt for the fare shall be provided by the driver of the licensed vehicle to the passenger if requested, stating: (a) the time and date of the journey (b) the licence number of the vehicle (c) the amount of the fare charged (d) **the name of the driver**

**I write to object to this proposed amendment.**

**There are no practical grounds or requirements for this**

**There is no 'un-solved problem' that needs to be remedied**

**Existing regulations ensure that all vehicles and drivers are already readily identifiable at all times.**

**In any case, this proposal is made otiose (unnecessary) by way of Paras 42 and 43**

**Moreover, it is unduly burdensome and bureaucratic, breaches drivers' human rights (to privacy); it is a 'power-mad grab' in the name of 'Stasi style state surveillance' and has no comparable practice in other areas of (public) transport (ie in trains, planes, buses..) where the ticket provides proof of contract and by incorporation, voluminous terms and conditions, and states the date, time and price of the travel.**

**How is the public benefitted by knowing the name of the driver of their train, or bus, or the name of the pilot of the plane or ship?**

Record of Drivers 42. The licence holder shall keep an up-to-date record of the names and addresses of all licensed taxi drivers employed by that licence holder or in a contract or vehicle leasing arrangement with that licence holder, together with the dates and times that each driver was in charge of the licensed vehicle.

43. The record of drivers shall be kept for a minimum of six months and must be produced on request to an Authorised Officer, Cab Inspector or a constable for 19 | Taxi conditions consultation inspection together with any other such information as may be required for the purpose of ascertaining the identity of any taxi driver employed by the said licence holder or for any other purpose relating to these conditions.

Miscellaneous Compliance 48. The licence holder shall: (a) not obstruct any Authorised Officer, in the performance of any of their duties under these conditions; (b) comply with all instructions or directions of any Authorised Officer in relation to these conditions; (c) provide these officers with accurate information reasonably required in the discharge of their duties; and

Notification of convictions etc 50. Where a licence holder is: - (a) charged with any crime or offence of any nature; (b) convicted of any crime or offence by any court; (c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); (d) has his DVLA driving licence endorsed with any offence or penalty; and (e) has his DVLA driving licence suspended or revoked for any reason. He must report that information to the Council within 10 working days of the date of any of the above being intimated to him

**I write to object to this proposed amendment.**

**There are no practical grounds or requirements for this**

**There is no 'un-solved problem' that needs to be remedied**

**Existing regulations ensure that all driver -traffic offences are recorded on driving licences.**

**Non-endorseable offences are simply that – they are so de minimis that even the criminal prosecution / court does not require driving licences to be endorsed?**

**So what need or benefit does the council hope to gain by this stipulation – particularly as no evidence is produced to support this (yet another) 'Stasis-style spy on everyone all the time' proposal.**

**Saying 'if you have nothing to hide, there is nothing to fear' is no defence to this indefensible, unjustified and un-merited proposal.**

**Further, this proposal is 'lacking in specification' – a complete bar to trial in criminal cases; it is too vague and un-specified as what 'harm' it alleges to remedy.**

**Furthermore, any and all convictions, fiscal fines, etc are available in the criminal records check. This proposal seems simply to be nothing more than bureaucracy for the sake of bureaucracy and further double, and triple- safety-belting information that is either already provided and/or not relevantly required.**

**Say for instance, a licensed taxi driver is issued with a parking fine; how – if at all – would this knowledge protect the public or enhance public safety?**

**With regard to the proposal to prevent drivers from using hands-free mobile telephone equipment whilst a passenger is in the vehicle, this is as stupid as it is illogical.**

**IF a driver is allowed to use such equipment (and he is) – what benefit or harm-prevention is the council trying to solve by requiring him not to use legally-permitted equipment simply because there is a passenger in the vehicle. If the (woolly) thinking here is because a passenger may wish to communicate (say to advise a new destination) with the driver while doing so, all they have to do is tap on the partition, who will simply either end the call and/or ask the passenger to wait a moment or two.**

**This is the typical case of using a sledgehammer to crack a(n) (unborn) nut.**

40. Tobreg\* (the World Health Organisation study group on tobacco regulation) strongly recommends that electronic cigarettes, commonly known as e-cigs, are not to be excepted from "clean air" laws which restricts the places in which cigarette smoking is allowed, until evidence shows their use does not expose non-users to toxic emissions. On this basis the holder of a taxi driver's licence shall not smoke e-cigs within the licensed vehicle at any time and shall ensure that no one else does

**I write to object to this proposal as it is a case of jumping the harm gun before any harm has been proven regarding the use, or proximity consumption thereof.**

**(Traditional) Cigarettes have been proven to be significantly harmful to public health.**

**BUT e-cigs have not.**

**This is yet another all too common case of presumptive legislation and is not based on proven, scientific fact.**

**If it is scientifically proven that e-cigs are harmful to public health, the council will be both entitled – and then required – to take preventative action.**

**But not yet.**

**From:** KEITH AND DEBORAH MCCALL

**Sent:** 22 January 2016 11:40

**To:** Terry Higgins

**Subject:** Re: Proposed changes to licensing conditions for taxis

Hi Terry,

Thank you for this information. I have now read the proposed changes and am very disappointed to note there are no conditions to take into account the emergence of new app based companies. I refer to my previous correspondence with you and am still of the opinion that Uber are not conforming with the conditions, which clearly states the following:

1. (a) the fare is not to be calculated by the meter; and  
(b) the cost, or method of calculating the cost, of the proposed journey.

If you book a car through the Uber app(which is the only method available for booking an Uber) at no point is 69(a) mentioned and the customer has to seek out a fare estimate. If the conditions were to be followed, then fare pricing information should show in the form of a pop up before the customer accepts the hire.

Licensing updates its conditions to reflect changes within the trade and it is extremely disappointing that this major change in the way PHC's are booked and priced has been completely overlooked.

As we have seen since Uber has been operating, their surge price business model has resulted in some customers being taken unaware of how the fare was calculated and customers waking up to a surprisingly large credit card bill for a journey. Surely now is the time to act to change this and ban surging as part of the revised conditions.

Thanks for your time,

Keith McCall.



**PROPOSED**  
**LICENSING CONDITIONS**  
  
**FOR**  
  
**TAXIS and PRIVATE HIRE CARS,**  
**TAXI AND PRIVATE HIRE CAR DRIVERS**

Approved by The Regulatory Committee on day date month

# Contents

Part I	Interpretation of words and expressions
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Schedule B	Conditions of Fitness for Private Hire Cars

# LICENSING CONDITIONS FOR TAXIS, PRIVATE HIRE CARS AND THEIR DRIVERS

**NOTE:** These conditions are ancillary to and do not derogate from the powers granted to the Council in relation to taxis and private hire cars under the Civic Government (Scotland) Act 1982 or any amendment thereto.

## 12. PART I – INTERPRETATION

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In these conditions the following words and expressions have the following meanings:

- (a) “the Act” means the Civic Government (Scotland) Act 1982.
- (b) Any words used in these conditions which are defined in the Act shall be interpreted in accordance with the definition of the Act.

Subject to the foregoing the following words or phrases shall have the meanings set out below –

**Approved** – means unless explicitly stated to the contrary approved by the relevant Executive Director or an Authorised Officer.

**Assistance Dog** - has the meaning set out in Section 173 of the Equality Act 2010 or any amending or replacement legislation.

**Authorisation** - includes any licence, certificate, permit or registration.

**Authorised Fare** - means any charge (whether described as a fare, engagement fee, extras or otherwise) authorised and approved by the Council for publication in the table of fares issued and amended from time to time, being the fare table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a taximeter) within the City of Edinburgh local government area.

**Authorised Officer** – means an officer authorised by the Council, and includes the Cab Inspector and any Police Scotland authorised vehicle examiners, either generally or specifically to act in matters of any specified kind or in any specified matter relative to these conditions and the Act relative to taxis and private hire cars.

**Cab Inspector** - means any person appointed by the Council to exercise the powers and carry out the duties of Cab Inspector in terms of or by reference to these conditions, to ensure that these conditions and their Schedules and the terms of Part II of the Act are properly observed and implemented.

**Call Out Charge** – is that sum so described in the Council’s Fare Table which is payable in addition to the fare where, by telephone or other advance arrangement, there is an engagement for the hire of a taxi or private hire car in which there has been fitted a taximeter.

**Certificate of Compliance** - means the certificate issued by the Taxi Examination Centre under section 10 (2) of the Act after examination of the vehicle on behalf of the Council

certifying the Licensed Vehicle as satisfactory for use as either a taxi or private hire car.

**Commencement of Hire** - a hire shall commence at the time the hirer or passenger steps into the taxi or private hire car, and the hire shall end when the passenger indicates that the hire has been terminated and offers payment of the fare. Where the passenger requires to exit the taxi or private hire car to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare. However, where a taxi or private hire car has been called by telephone or other advance arrangement, the hire shall commence after the driver of the taxi or private hire car has announced the arrival of the taxi or private hire car to the prospective hire or passenger at the place to which it has been summoned.

**Complaints Notice** - means a notice that has been approved by the Council which details how to make a complaint against the driver or operator of a taxi or private hire car licensed by the Council.

**Constable** - means any constable as defined in the Police and Fire Reform (Scotland) Act 2012 being an individual serving as a constable of the Police Service.

**Contravention** - in relation to any requirement includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly.

**Council** - means The City of Edinburgh Council local authority.

**Council Solicitor** - means Head of Legal Risk and Compliance.

**Dress Code** - means the code of practice on dress for taxi and private hire car drivers attached as Schedule D to these conditions, approved by the Council on 18 June 2002 and as amended by the Council from time to time.

**Driver** – means in relation to a Taxi the holder of a current City of Edinburgh Council Taxi Driver’s Licence and in the case of a Private Hire Car a driver holding a current City of Edinburgh Council Taxi Driver’s or Private Hire Car Driver’s Licence.

**DVLA standards in relation to Group 2 licence holders** – means the medical standards published by the DVLA for group 2 licence holders or any equivalent replacement standard. These standards have been adopted by the Council and apply to the medical examination of all Drivers.

**Enactment** - includes any enactment (and any amendments thereof) contained in any Act of Parliament, Order, Regulation or other instrument issued by the UK Parliament or the Scottish Parliament affecting Scotland.

**Engagement** - means an agreement by whatever means between any person and the holder of a Taxi Driver’s Licence or PHC Driver’s Licence (or their respective Representatives) for the Hire of a Licensed Vehicle at some time and location specified.

**Exclusive** - as applied to the Hire of a Licensed Vehicle means that a single fare is payable by any one passenger for the whole Hire of the Licensed Vehicle whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly.

**Fare table** – means the table of fares fixed by the Council to regulate the maximum metered charges for hires within the City of Edinburgh Council area.

**Hire** – means the use of a Licensed Vehicle for the purpose of uplifting a passenger from a stated location and conveying such passenger and their Luggage to a specific destination and, where the use of a Taximeter is appropriate, there is a requirement to pay for its Hire (including a call out charge where applicable) not exceeding the rate of such fares or fees authorised in the current fare table insofar as the journey is not illegal in terms of Section 21 of the Civic Government (Scotland) Act 1982.

**Hours of Darkness** - means the time between half an hour after sunset and half an hour before sunrise.

**Licence** - means a licence granted by the Council to any person for the purpose of operating a vehicle as a taxi or private hire car or for the purpose of driving the same as appropriate during the currency or validity of such licence.

**Licence Holder** - means a person who has been granted and holds a current and valid licence from the Council in terms of Part II of the Act to operate either a taxi or a private hire car or a taxi driver's licence or a private hire car driver's licence unless otherwise stated.

**Licence Plates** – means the licence plates issued by the Taxi Examination Centre identifying licensed vehicles as hire cars which are required to be displayed in accordance with these conditions.

**Licensed Area** - means the City of Edinburgh Council area.

**Licensed** - in relation to any taxi or private hire car, its owner or driver, means having been granted an appropriate licence by the Council in terms of the Act and these conditions during the currency of such licence, but excluding any period when such licence is suspended.

**Licensed Vehicle** – means generally the taxi or private hire car licensed under a taxi or private hire car licence or any approved replacement vehicle which has been inspected and issued with a Certificate of Compliance by the Taxi Examination Centre unless otherwise stated.

**Luggage** - includes all items which the hirer or passenger wishes to be carried in the hire vehicle, whether this is their own personal baggage for the journey, or being carried for business or otherwise, and shall also include animals or pets which reasonably may be accommodated within the vehicle.

**Maintenance** - includes repair, and “maintain” shall be construed accordingly.

**Motor Vehicle** - has the meaning assigned to it by the Road Traffic Act 1988 or any amending or replacement legislation.

**Notice** - means a notice in writing.

**Passengers** – means any person travelling in a hired licensed vehicle other than the hirer or the taxi or private hire car driver.

**Permanent Address** – means the address provided by an applicant or a licence holder in an application for licence or to renew a licence as amended from time to time by notice given to the Council by the applicant or the licence holder.

**PHC** – means Private Hire Car.

**Private Hire Car Door Signs** – means a set of two identical door signs issued by the Council identifying the vehicle as a City of Edinburgh Council licensed private hire car which are fitted to the front doors of the private hire cars in a position approved by the Council.

**Public Place** - has the meaning assigned by Section 133 of the Act.

**Reasonably Practicable** - means capable of being performed and implemented having regard to all the circumstances, including in any case where works, repairs or maintenance are involved, the expense of their execution.

**Rectification Notice** – means a notice in writing issued by an Authorised Officer following inspection of a Licensed Vehicle to the Driver or operator of a Licensed Vehicle giving notice of defects requiring to be repaired or breaches of a condition or conditions requiring to be remedied and the maximum period specified in which the Licensed Vehicle should be submitted for re-testing.

**Reduced Fare Tariff** - means a table of charges (whether described as fare, engagement fee, extras or otherwise) -

- (a) Which is different from the table of fares approved by the Council as authorised and issued and amended from time to time, being the Fare Table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a taximeter) within the City of Edinburgh Council area;
- (b) Which has been presented to the Council and approved by them that it would always produce a fare lower than the said approved table of fares for a journey within the City of Edinburgh Council area;
- (c) Which has then been programmed into the Taximeter in a private hire car by a supplier or repairer of Taximeters as authorised by the Council and the Taximeter has then been sealed by the said supplier or repairer

**Representative** – when used in relation to the holder of a taxi or private hire car licence or in relation to a driver of a taxi or private hire car, means any person, company, firm or association whose services as principal are engaged or used by such a licence holder (and that by any means whatsoever including internet, telephone and radio communications) for the purpose of obtaining or assisting in obtaining engagements for the hire of a taxi or private hire car.

**Shared** - as applied to the Licensed Vehicle means that each passenger is carried at a separate fare payable to the Driver; and “Shared Hire” shall be construed accordingly.

**Special Event Private Hire Car** - means a private hire car which is a converted motor vehicle of the following types holding Individual Vehicle Type (Approval IVA) from the Driver & Vehicle Standards Agency (DVSA).

**Taxi Bus** - means a taxi which is being used under a special licence granted under Section 12 of the Transport Act 1985 to provide a local service which is required to be registered under Part One of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

**Taxi Examination Centre** – means the Council facility provided for the examination of Licensed Vehicles.

**Taximeter** – means a device approved by the Council for the calculation of fares.

**Taxi Stance** – means an approved stance signed or marked for use by taxis within the City of Edinburgh Council area.

**Working Day** – means a day when either the Council or the Taxi Examination Centre (whichever is referred to) is open for business.

## **PART 2 –TAXI LICENCE CONDITIONS**

This Part 2 in conjunction with any relevant Schedules shall be referred to as the “Taxi Licence Conditions”. For the purposes of the Taxi Licence Conditions the term Licence Holder will only refer to those who hold a Licence to operate a taxi and the term Licensed Vehicle will only refer only to a taxi.

### **General**

1. The Licence Holder shall ensure that, at all times when the Licensed Vehicle is available for hire or being used for hire, that:
  - (a) the Licensed Vehicle is covered by a valid Licence issued by the Council and complies with the conditions of fitness contained in Schedule A to these conditions;
  - (b) the Licensed Vehicle is displaying current Licence Plates as issued by the Council for the Licensed Vehicle on the approved positions on the front, rear and interior of the Licensed Vehicle;
  - (c) all Drivers of the Licensed Vehicle are holders of a current taxi Driver’s Licence issued by the Council at all times whilst they are in charge of the Licensed Vehicle;
  - (d) the Licensed Vehicle, including all bodywork, upholstery and fittings, is free from dents or damage, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions;
  - (e) any defects identified in the Licensed Vehicle by an Authorised Officer, or any breaches of these conditions identified by an Authorised Officer are rectified to the satisfaction of an Authorised Officer within the maximum period specified in any Rectification Notice issued to any Licence Holder;
  - (f) they do not ask a Driver of a Licensed Vehicle to do anything which would result in the Driver committing a breach of the conditions attached to the grant of the Driver’s Licence;
  - (g) they do not do anything in the course of their operation of the Licensed Vehicle which is illegal.

### **Registration and Insurance**

2. The Licence Holder shall:
  - (a) hold in their own name the requisite vehicle registration document and a valid certificate of insurance in relation to the Licensed Vehicle required by Part VI of the Road Traffic Act 1988 or any other amending legislation and

the Licence Holder shall be required to produce these documents to an Authorised Officer, the Cab Inspector or Constable at any reasonable time on request. Where there is more than one Licence Holder, the vehicle registration document and the certificate of insurance shall be in the name of at least one of these holders. The Licensed Vehicle registration document and certificate of insurance must also state the permanent address of the Licence Holder named in those documents.

- (b) ensure that either:
  - (i) a valid certificate of insurance which shows that insurance cover is in place for all Drivers of the Licensed Vehicle; or
  - (ii) a valid cover note on the same basis;

is carried within the Licensed Vehicle to which it relates at all times and is available for immediate inspection by any passenger being carried within the vehicle, an Authorised Officer, Cab Inspector or Constable.

- (c) not cause or permit the Licensed Vehicle to stand or seek hire during any period when the Licensed Vehicle does not comply with the provisions of these conditions.

### **Vehicle Inspections**

- 3. The Licence Holder shall:
  - (a) require his Licensed Vehicle to undergo and pass an annual inspection by the Taxi Examination Centre in order that a Certificate of Compliance is in force for the Licensed Vehicle at all times. On receiving the requisite notice in writing, the Licence Holder shall produce the Licensed Vehicle for examination at such time and place as may be reasonably required by the Council;
  - (b) ensure that, when the Licensed Vehicle is presented for examination with a view to the renewal of the Licence, it complies with relevant construction and use regulations, the bodywork and passenger accommodation of the Licensed Vehicle are clean and that the underside of the vehicle is free from road dirt, excess oil and grease, otherwise the inspection cannot be undertaken;
  - (c) in addition to any annual examination and upon receiving two days notice either verbally or in writing from the Council, Cab Inspector or an Authorised Officer, the Licence Holder shall produce the Licensed Vehicle for examination at the time and place, specified;
  - (d) in the event that the Licensed Holder fails to keep any appointment for examination of the Licensed Vehicle, or the inspection cannot be undertaken

due to the condition of the Licensed Vehicle, pay a cancellation charge to the Council before a further examination of the Licensed Vehicle is arranged;

- (e) in the event that the Licensed Vehicle fails the annual test and requires another full compliance test, a retest fee must be paid to the Council before a further examination of the vehicle is arranged;
  - (f) in the event that the Licensed Vehicle does not have a Certificate of Compliance in force the Licence Holder shall, within 24 hours (or the following Working Day) of the expiry of the Certificate of Compliance return the Licence Plates as for the Licensed Vehicle to the Taxi Examination Centre or the Council.
4. The Licence Holder, when their Licensed Vehicle is damaged in a vehicular accident or by any other means, must report the damage to the Council as soon as practicable and, if the Licensed Vehicle is roadworthy, shall present it for examination within two working days of the occurrence. As soon as repairs to the Licensed Vehicle have been completed, the Licensed Vehicle must be presented to the Taxi Examination Centre for re-examination. Unless the Taxi Examination Centre confirms otherwise, the Licensed Vehicle shall not be used as a Licensed Vehicle from the date of the damage until the repairs have been completed, and the Licensed Vehicle is passed by the Taxi Examination Centre as being fit for use again.
5. If Authorised Officers issue the Licence Holder with a Rectification Notice relating to advertising on a Licensed Vehicle, the Licence Holder must comply with the Rectification Notice and present the Licensed Vehicle to the Taxi Examination Centre for re-examination within either 14 days or the period specified in the Rectification Notice.

### **Display of Plates**

6. On a Vehicle being licensed as a taxi, a number shall be allotted to it by the Council and the approved external and internal Licence Plates bearing such number shall be supplied to the Licence Holder by the Council. The Licence Holder shall ensure that the Licence Plates are immediately affixed to the Licensed Vehicle to the satisfaction of the Taxi Examination Centre and the Licensed Vehicle shall not be used for hire until the Licence Plates are properly affixed. The Licence Plates remain the property of the Council at all times and must be returned to the Council as and when required by these conditions.
7. The Licence Holder shall affix to the Licensed Vehicle and display at all times on the Licensed Vehicle, in positions and by method approved by the Council:
- (a) external Licence Plates on the front and rear of the Licensed Vehicle; and
  - (b) an internal plate on the inside of the Licensed Vehicle.

8. If the letters or figures on any Licence Plate affixed to a Licensed Vehicle become obliterated or defaced so as not to be distinctly visible or legible, or any of the plates are lost or stolen, the Licence Holder shall immediately and in any case by the next working day at the very latest obtain from the Council a replacement Licence Plate. In the event that any of the Licence Plates are stolen the Licence Holder must immediately report this to the Police and obtain a crime reference number.

### **Other Signage**

9. Except as otherwise provided for in these conditions the Licence Holder shall not, without the consent of the Council, fix or permit to be fixed on their Licensed Vehicle any plate other than the Licence Plates or other plate or notice required by law.
10. The Licence Holder shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on the Licensed Vehicle that are present when it is supplied by the manufacturer and which are aimed at assisting passengers to identify the type or features of the vehicle.
11. The Licence Holder shall ensure that the word “Edinburgh” and the number allotted to their taxi shall be painted, or applied in any suitable material approved by the Council, in a straight line on the outside of each passenger door immediately below the window frames in letters and figures not less than 2.5cm in height, of proportionate breadth and in colour conspicuously different from that of the bodywork of the vehicle. The colour and dimensions of the letters and figures shall be subject to the approval of the Council.
12. The Licence Holder shall display upon the roof of their Licensed Vehicle a sign of a type approved by the Council for the purpose of identifying the Licensed Vehicle as a taxi and an illuminated for hire box fitted to the rear side of the Licensed Vehicle which will state either for hire or hired. While the Licensed Vehicle is available for shared hire the Licence Holder shall display in such position as approved by the Council a sign of a type approved by the Council for the purpose of indicating that the Licensed Vehicle is available for shared hire.
13. The Licence Holder shall affix the following notices in a conspicuous position inside their taxi:
  - (a) The Fares Table in accordance with the conditions; and
  - (b) That a copy of these conditions may be inspected at the Council’s Licensing Offices, 249 High Street, Edinburgh EH1 1YJ or on the Council Website
14. The Licence Holder shall ensure that two notices detailing the Council’s complaints procedures are displayed in the vehicle. The Complaints notices must be attached to both rear quarter-lights or, in the absence of quarter-lights, in a similar position

approved by the Council, so that they may be read by passengers travelling in the vehicle.

15. The Licence Holder shall at any time when the Licensed Vehicle is being used as a Taxi Bus cause to be displayed on the Licensed Vehicle in such a position and in such a form as may be prescribed by the Council a notice which indicates that the Licensed Vehicle is being used as a Taxi Bus.

### **Fares**

16. The Licence Holder shall obtain from the Council a notice detailing the Authorised Fare charges and will display the Fares Table in the passenger compartment of their Licensed Vehicle in an approved position so that it will be readily visible to the passengers being carried and no other table or fares and charges shall be displayed in or on the Licensed Vehicle.
17. Unless the cost of the journey is regulated by the Council Authorised Fare charges, the Licence Holder shall ensure that, prior to acceptance of the hire, any potential hirer of their Licensed Vehicle is informed whether by the Driver or otherwise that:
  - (a) the fare is not so regulated; and
  - (b) of the cost, or method of calculating the cost, of the proposed journey.
18. The Licence Holder shall at any time when the Licensed Vehicle is being used as a Taxi Bus have displayed in the Licensed Vehicle in such a position and in such a form as may be prescribed by the Council so that it is clearly legible to passengers a Fare Table containing sufficient information to enable a passenger to ascertain the fare for the journey or the manner in which that fare is calculated.

### **Taximeter**

19. The Licence Holder shall have affixed to, and used on their Licensed Vehicle, a Taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Taxi Examination Centre as to distance and time in accordance with the approved taxi fares and charges, and no other Taximeter shall be affixed or used. Such Taximeter must be electronic and capable of multi tariff operation. This condition shall not apply to any Licensed Vehicle while it is in use as a Taxi Bus.
20. A supplier or repairer of Taximeters may be authorised by the Council to test and seal meters. Once such a Taximeter is fitted to their Licensed Vehicle the Licence Holder shall not tamper with the Taximeter or break or tamper with any seal or stamp on such Taximeter or any attachment or connection affixed thereto except to remove the taximeter for repair or replacement. Should the Taximeter be removed or should the

seal be broken or faulty, the Taximeter shall be re-tested, stamped and sealed by the Council or authorised supplier before being used again as a Licensed Vehicle.

21. The Licence Holder shall ensure that the Taximeter fitted to their Licensed Vehicle is in an approved position.
22. The Licence Holder shall not knowingly use, or cause or permit to be used on their Licensed Vehicle, a Taximeter which is in any way defective or with a seal that is broken or detached.
23. The Licence Holder shall not use, or cause to permit to be used on their Licensed Vehicle, a road wheel or tyre of a different circumference from that for which the Taximeter affixed to the Licensed Vehicle was designed and geared for that Licensed Vehicle and has been tested by the Council.

### **Transportation of Wheelchairs**

24. The Licence Holder of a Licensed Vehicle which is suitable for the transportation of passengers travelling within wheelchairs shall ensure that :
  - (a) appropriate access and restraint equipment for the carrying of wheelchairs is serviceable, in a safe condition and is carried on the Licensed Vehicle at all times;
  - (b) that all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
  - (c) that any passenger lift and ramp used with the Licensed Vehicle:
    - (i) has a plate attached to it, readily visible to users, showing the safe working limit of the lift or ramp; and
    - (ii) where the lift and ramps were not provided at the time of manufacture of the vehicle ensure that all such equipment complies with British Standard (BS 6109 and BS1756-2:2004) or any replacement standards.
    - (iii) where wheelchair tie down and occupant restraint systems were not provided at the time of manufacture of the vehicle, ensure that all such equipment complies with ISO 10542 or any replacement standards.
  - (d) that all Drivers of the Licensed Vehicle are trained in the use of the passenger lift, where applicable, and all approved restraint systems for the carrying of wheelchairs and are aware of the manufacturer's instructions for using all access and safety equipment on every occasion.

## **Advertising and Personalising Marks**

25. The Licence Holder shall not display in or on their Licensed Vehicle any signs by way of identifying or personalising marks.
26. The Licence Holder may display advertisements in or on their Licensed Vehicle subject to the following criteria:
  - (a) Advertisements may only be displayed in the interior of taxis on the underside of the tip-up seats. Advertisements on the exterior of taxis will be categorised as either door, super-sides or full livery. Door advertisements may only be fitted to the lower panels of the front and rear doors. No material may be placed on any glass including the dividing glass partition, other than notices approved by the Council. The Council reserves the right to require the immediate removal of any advertising on Licensed Vehicles which would not be permitted in terms of condition 27 below.
  - (b) Materials used for advertisements must be made of a quality not easily defaced or detached. No magnetic panels, paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the Licensed Vehicle.
  - (c) Interior advertisements on the underside of the tip-up seats must be encapsulated in clear non-flammable plastic.
27. Advertisements are not required to be approved by the Council. However, advertisements should not contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities. Placement of inappropriate adverts could result in the Licence Holder being regarded as an unfit person to hold a licence.

## **Fulfilment of Hire**

28. The Licence Holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to Hire their Licensed Vehicle which the Licence Holder has accepted, or which has been accepted on the Licence Holder's behalf by any Representative, unless prevented by reasonable and sufficient cause.

## **Exceptions to Hire**

29. The licence Holder shall not carry, or cause or permit to be carried in their Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.

30. The Licence Holder shall not knowingly carry, or cause or permit to be carried in his Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
31. The Licence Holder shall not permit their Licensed Vehicle to be utilised for any illegal purpose.
32. If any person suffering from any notifiable infectious or contagious disease is carried in a Licensed Vehicle, the Licence Holder shall, as soon as it comes to his knowledge, give notice to the Council who shall notify the appropriate medical authority and shall not cause or permit such Licensed Vehicle to stand or ply for Hire or carry passengers for Hire until the appropriate medical authority certifies that the Licensed Vehicle has been adequately disinfected.

### **Receipts**

33. The Licence Holder shall ensure that, at the termination of the hire, a signed or electronic receipt for the fare shall be provided by the Driver of the Licensed Vehicle to the passenger if requested, stating:
  - (a) the time and date of the journey
  - (b) the licence number of the Licensed Vehicle
  - (c) the amount of the fare charged
  - (d) the name of the driver

### **Electronic Security System**

#### **Forward Facing Cameras**

34. The Licence Holder shall not install forward facing cameras in a Licensed Vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
  - (a) Forward facing camera are only to be used for motor insurance purposes
  - (b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness;
  - (c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact

- with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear;
- (d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions;
  - (e) The installed system must not weaken the structure or any component part of the Licensed Vehicle, or interfere with the integrity of the manufacturer's original equipment;
  - (f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the Driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the Driver and/or passengers;
  - (g) Equipment must not obscure or interfere with the operation of any of the Licensed Vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;
  - (h) No equipment may interfere with the Driver's view;
  - (i) Viewing screens within the Licensed Vehicle for the purposes of viewing captured images are not permitted;
  - (j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed;
  - (k) The equipment must not record sound
  - (l) The equipment must be mounted and used so as to record only views outside the Licensed Vehicle;
  - (m) If the equipment is later removed, there is no requirement to notify the Council of its removal, but any damage to the Licensed Vehicle caused by removal must be remedied to an acceptable standard
  - (n) The Licence Holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the Licence Holder for a minimum of 12 months and will be made available on demand to an Authorised Officer, Cab Inspector or Constable
  - (o) Upon request for image retrieval by the Cab Inspector, Authorised Officer or Constable the Licence Holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.
  - (p) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc

35. If forward facing cameras are fitted to a Licensed Vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Data Protection Act 1998 applies, the person who is regarded as the 'Data Controller' for these pictures must be registered

with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Data Protection Act 1998. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.

36. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
37. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

### **Safety Cameras**

38. The Licence Holder shall not install safety cameras in a Licensed Vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
  - (a) Safety cameras are only to be used for the purposes of Driver safety. This may also benefit passengers.
  - (b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness.
  - (c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or Driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.
  - (d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
  - (e) The installed system must not weaken the structure or any component part of the Licensed Vehicle, or interfere with the integrity of the manufacturer's original equipment.
  - (f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the Driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
  - (g) Equipment must not obscure or interfere with the operation of any of the Licensed Vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
  - (h) No equipment may interfere with the Driver's view.

- (i) Viewing screens within the Licensed Vehicle for the purposes of viewing captured images are not permitted.
- (j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed.
- (k) Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008), and any guidance on this topic which is subsequently published.
- (l) If the equipment is later removed, there is no requirement to notify the Council of its removal, but any damage to the Licensed Vehicle caused by removal must be remedied to an acceptable standard
- (m) The Licence Holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months and will be made available on demand to an Authorised Officer, Cab Inspector or Constable
- (n) Upon request for image retrieval by an Authorised Officer, Cab Inspector or Constable the Licence Holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.
- (o) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc.

39. If safety cameras are fitted to Licensed Vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Data Protection Act 1998 applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Data Protection Act 1998. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
40. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
41. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

### **Record of Drivers**

42. The Licence Holder shall keep an up-to-date record of the names and addresses of all Drivers employed by that Licence Holder or in a contract or vehicle leasing arrangement with that Licence Holder, together with the dates and times that each Driver was in charge of the Licensed Vehicle.

43. The record of Drivers shall be kept for a minimum of six months and must be produced on request to an Authorised Officer, Cab Inspector or a Constable for inspection together with any other such information as may be required for the purpose of ascertaining the identity of any Driver employed by the said Licence Holder or for any other purpose relating to these conditions.

### **Change of Address**

44. A Licence Holder on changing their permanent address shall notify the Council of their new address in writing, within ten working days. This may be done by notice to the Council's Licensing Section, 249 High Street, Edinburgh EH1 1YJ or by e-mail to: [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk).

### **Suspension of Licence**

45. When an Authorised Officer or Constable suspends the licence of a Licensed Vehicle in accordance with Section 11 of the Act, the Authorised Officer or Constable shall affix a label bearing:
- (a) the words "this hire car is in the meantime certified unfit for public use" and
  - (b) the date of the suspension,
- in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. The Licensed Vehicle cannot be used as a Licensed Vehicle until an Authorised Officer is satisfied as to the safety of the Licensed Vehicle or accuracy of the Taximeter and has removed the label.
46. When a Licence is suspended in accordance with Paragraph 12 of Schedule 1 the Licence Holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.

### **Return of Licence and Plates**

47. When a Licensed Vehicle ceases to be used as such the Licence Holder shall give immediate notice to the Council and return to the council the licence in respect of their Licensed Vehicle, along with the taxi plates and the Certificate of Compliance, within ten working days.

### **Miscellaneous Compliance**

48. The Licence Holder shall:
- (a) not obstruct any Authorised Officer, Cab Inspector or Constable, in the performance of any of their duties under these conditions;

- (b) comply with all instructions or directions of any Authorised Officer, Cab Inspector or Constable in relation to these conditions; and
- (c) provide an Authorised Officer, Cab Inspector or Constable with accurate information reasonably required by these officers in the discharge of their duties;
- (d) ensure that no advertising material of any kind, other than business cards relating directly to the operation of the Licensed Vehicle i.e. providing contact details handed out to passengers within the Licensed Vehicle, is distributed by Drivers of the Licensed Vehicle or left within the Licensed Vehicle.

49. If the Licence Holder loses his Licence or any other document issued to him by the Council, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.

### **Notification of convictions etc**

50. Where a Licence Holder is:

- (a) charged with any crime or offence of any nature;
- (b) convicted of any crime or offence by any court;
- (c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); or
- (d) has his DVLA driving licence endorsed with any offence or penalty or medical restriction;

He must report that information to the Council within 10 working days of the date of any of the above being intimated to him

### **Notification of information in relation to Drivers**

51. The Licence Holder is required to report the following information regarding any Driver of his/her Licensed Vehicle to the council within 24 hours (or the following working day) of that information coming to his attention in relation to Drivers of the Licensed Vehicle:

- (a) information that any Driver has been disqualified from driving;
- (b) information that any Driver is suffering from any medical condition which may affect his fitness to drive a taxi;
- (c) information that any Driver is using illegal drugs;

- (d) information that any Driver may have committed any offence involving dishonesty or sexual impropriety.

### **Training**

- 52. The Licence Holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

## PART 3 – PRIVATE HIRE CAR LICENCE CONDITIONS

This Part 3 in conjunction with any relevant Schedules shall be referred to as the “Private Hire Car (PHC) Licence Conditions”. For the purposes of the Private Hire Car (PHC) Licence Conditions the term Licence Holder will refer only to those who hold a Licence to operate a PHC and the term Licensed Vehicle will only refer to a PHC.

### General

53. A Vehicle shall not be deemed to be of a suitable type and in a proper state of repair for use as a Licensed Vehicle unless:
- (a) It is designed for the carriage of passengers and is not a goods vehicle; and
  - (b) It is in a proper state of repair for use as a Licensed Vehicle in accordance with **Schedules B or C** to these conditions.
54. The Licence Holder shall ensure that, at all times when the Licensed Vehicle is available for Hire or undertaking hires:
- (a) the Licensed Vehicle is covered by a valid Licence issued by the Council and complies with the conditions of fitness contained in Schedule B to these conditions
  - (b) the Licensed Vehicle is displaying current Licence Plates as issued by the Council for the Licensed Vehicle in the approved manner and positions on the front, rear and interior of the Licensed Vehicle and the “pre-booked hires only”, signs to both front doors. No magnetic panels, paper based materials or water soluble adhesive paste shall be used;
  - (c) all Drivers of the Licensed Vehicle are holders of current PHC or Taxi Driver’s licences issued by the Council at all times whilst they are in charge of the Licensed Vehicle;
  - (d) the Licensed Vehicle including all bodywork, upholstery and fittings, is free from dents or damage, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions;
  - (e) any defects identified in the Licensed Vehicle by the Taxi Examination Centre, or any breaches of these conditions identified by an Authorised Officer or the Cab Inspector, are rectified to the satisfaction of the Taxi Examination Centre within the maximum period specified in any Rectification Notice issued to any Driver of the Licensed Vehicle;

- (f) will not ask a Driver of a Licensed Vehicle to do anything which would result in the Driver committing a breach of the conditions attached to the grant of the Driver's Licence;
- (g) does not do anything in the course of his operation of the Licensed Vehicle which is illegal.

### **Registration and Insurance**

55. The Licence Holder shall:

- (a) hold in their own name the requisite vehicle registration document and a valid certificate of insurance in relation to the Licensed Vehicle required by Part VI of the Road Traffic Act 1988 or any other amending legislation and the Licence Holder shall be required to produce these documents to an Authorised Officer, the Cab Inspector or Constable at any reasonable time on request. Where there is more than one Licence Holder, the vehicle registration document and the certificate of insurance shall be in the name of at least one of these holders. The vehicle registration document and certificate of insurance must also state the permanent address of the Licence Holder named in those documents.
- (b) ensure that either (i) a valid certificate of insurance which shows that insurance cover is in place for all Drivers of the Licensed Vehicle or (ii) a valid cover note on the same basis is carried within the Licensed Vehicle to which it relates at all times and is available for immediate inspection by any passenger being carried within the Licensed Vehicle, an Authorised Officer, the Cab Inspector or Constable.
- (c) not cause or permit the Licensed Vehicle to be available for hire or undertake hires during any period it does not comply with the provisions of these conditions.

### **Vehicle Inspections**

56. The Licence Holder shall:

- (a) require his Licensed Vehicle to undergo and pass an annual inspection by the Taxi Examination Centre in order that a Certificate of Compliance is in force for the Licensed Vehicle at all times. On receiving the requisite notice in writing, the Licence Holder shall produce the Licensed Vehicle for examination at such time and place as may be reasonably required by the Council;
- (b) ensure that when the Licensed Vehicle is presented for examination the bodywork is free from dents and damage, the passenger accommodation of the vehicle is clean and that the underside of the Licensed Vehicle is free

from road dirt, excess oil and grease, otherwise the inspection cannot be undertaken;

- (c) if the Licensed Vehicle is fitted with a passenger lift, ensure that the lift is serviced and maintained on an annual basis by a qualified lift repairer approved of in advance by the Council, and at the time of the Licensed Vehicle's annual test, shall submit a report to the Council from such repairer to the effect that the lift is in good working order and condition;
- (d) in addition to any annual examination and upon receiving two working days notice from the Council, Cab Inspector or an Authorised Officer, produce the Licensed Vehicle for examination at the time and place specified:
- (e) in the event that he fails to keep any appointment for examination of the Licensed Vehicle, or the inspection cannot be undertaken due to the condition of the Licensed Vehicle, pay a cancellation charge to the Council before a further examination of the Licensed Vehicle is arranged;
- (f) in the event that the Licensed Vehicle fails the annual test and requires another Compliance Test a retest fee must be paid to the Council before a further examination of the Licensed Vehicle is arranged;
- (g) in the event that the Licensed Vehicle does not have a Certificate of Compliance in force the Licence Holder shall, within 24 hours (or the following Working Day) of the expiry of the Certificate of Compliance return the Licence Plates for the Licensed Vehicle to the Taxi Examination Centre or the Council.

57. The Licence Holder when his Licensed Vehicle is damaged in a vehicular accident or by any other means, shall report the damage to the Taxi Examination Centre as soon as practicable and, if the Licensed Vehicle is roadworthy, shall present it for examination within the following two working days or other date as may be agreed with Taxi Examination Centre, after the occurrence. As soon as any repairs to the Licensed Vehicle have been completed, the Licensed Vehicle shall be presented to the Taxi Examination for re-examination. Unless the Council confirms otherwise, the Licensed Vehicle shall not be used as a Licensed Vehicle from the date of the damage until the repairs have been completed, and the Licensed Vehicle is passed by the Taxi Examination Centre as being fit for use again.
58. If an Authorised Officer issues the Licence Holder with a Rectification Notice relating to signage on the Licensed Vehicle, the Licence Holder must comply with the Rectification Notice and present the Licensed Vehicle to the Taxi Examination Centre for re-examination within 14 days or within the period specified in the Rectification Notice.

## **Display of Plates and Signage**

59. On a vehicle being licensed as a PHC, a number shall be allotted to it by the Council. The Taxi Examination Centre will supply:
- (a) the approved external and internal Licence Plates bearing such number shall be supplied to the Licence Holder by the Council; and
  - (b) two signs of an approved design stating “Pre-booked Hires Only”.
- The Licence Holder shall ensure that the Licence Plates and the two Private Hires Car “Pre-booked Hires Only” Door Signs are immediately affixed to the Licensed Vehicle to the satisfaction of Taxi Examination Centre and the Licensed Vehicle shall not be used for hire until the Licence Plates and Private Hires Car “Pre-booked Hires Only” Door Signs are properly affixed. No magnetic panels, paper based materials or water soluble adhesive paste shall be used. These Licence Plates remain the property of the Council at all times and must be returned to the Council as and when required by these conditions.
60. The Licence Holder shall affix to and display on the Licensed Vehicle at all times, in positions and by method approved by the Taxi Examination Centre:
- (a) external Licence Plates on the front and rear of the Licensed Vehicle; and
  - (b) an internal Licence Plates on the inside of the Licensed Vehicle as instructed by the Cab Inspector: and
  - (c) two Private Hires Car “Pre-booked Hires Only” Door Signs
61. If the letters or figures on any Licence Plate or Private Hire Car Door Sign affixed to a Licensed Vehicle become obliterated or defaced so as not to be distinctly visible or legible, or any of the Licence Plates are lost or stolen, the Licence Holder shall immediately, and in any case at the very latest the next working day, obtain from Taxi Examination Centre, on payment of the appropriate fee, a replacement Licence Plate or Private Hire Car Door Sign. In the event that any of the Licence Plates are stolen the Licence Holder must immediately report this to the Police and obtain a crime reference number.
62. Except as otherwise provided for in these conditions the Licence Holder of a Licensed Vehicle shall not, fix or permit to be fixed on the Licensed Vehicle any plate other than the private hire car plates or other plate or notice required by law
63. The Licence Holder of a Licensed Vehicle shall be permitted to apply to the Council for an exemption from condition 62 above for permission to advertise his own business on the exterior of the Licensed Vehicle. This shall take the form of a sign indicating the name of the business and the telephone number in the format approved by the Council. No magnetic panels, paper based materials or water soluble adhesive paste

shall be used. Advertisements must be affixed directly to the body of the Licensed Vehicle.

### **Other Signage**

64. The Licence Holder shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on the Licensed Vehicle which are present when it is supplied by the manufacturer and which are aimed at assisting passengers to identify the type or features of the Licensed Vehicle.
65. The Licence Holder shall ensure that at least two notices detailing the Council's complaints procedures are displayed in the Vehicle. The Complaints Notices must be attached to the top of the windows on the near-side front and rear windows so that they may be read by passengers travelling in the vehicle.
66. The Licence Holder shall not:
  - (a) display a sign of any kind on the roof of the Licensed Vehicle,
  - (b) display or cause or permit to be displayed on or in his Licensed Vehicle (other than any Taximeter fare dial) or on his person (including his clothing) the word "cab", "taxi" or "for hire" or any other word or words which might give the impression that the Licensed Vehicle is available to pick up fares from the street
  - (c) The Licence Holder shall not display in or on their Licensed Vehicle any signs for any purpose of advertising other than those approved by the Council.

### **Transportation of Wheelchairs**

67. The Licence Holder of a Licensed Vehicle which is suitable for the transportation of passengers travelling within wheelchairs shall ensure that :
  - (a) appropriate access and restraint equipment for the carrying of wheelchairs is serviceable, in a safe condition and is carried on the Licensed Vehicle at all times;
  - (b) that all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
  - (c) that any passenger lift and ramp used with the Licensed Vehicle -
    - (i) has a plate attached to it, readily visible to users, showing the safe working limit of the lift or ramp; and
    - (ii) where the lift and ramps were not provided at the time of manufacture of the vehicle, ensure that all such equipment these complies with British Standard (BS 6109 and BS1756-2:2004) or any replacement

standards.

- (iii) where wheelchair tie down and occupant restraint systems were not provided at the time of manufacture of the vehicle ensure that all such equipment complies with ISO 10542 or any replacement standards.
- (d) that all Drivers of the Licensed Vehicle are trained in the use of the passenger lift, where applicable, and all approved restraint systems for the carrying of wheelchairs and are aware of the manufacturer's instructions for using all access and safety equipment on every occasion.

## **Fares**

- 68. The Licence Holder of a Licensed Vehicle fitted with a Taximeter and which is programmed with a Reduced Fare Tariff will display a table showing the Reduced Fare Tariff in the passenger compartment of their Licensed Vehicle in an approved position, so that it will be readily visible to the passengers being carried and no other table or fares and charges shall be displayed in or on the Licensed Vehicle.
- 69. Unless the cost of the journey is regulated by the Fare Table and calculated by Taximeter the Licence Holder shall ensure that, prior to acceptance of the hire, any potential hirer of the Licensed Vehicle is informed, whether by the Driver or otherwise, that:
  - (a) the fare is not to be calculated by a meter and
  - (b) the cost, or method of calculating the cost, of the proposed journey.

## **Taximeter**

- 70. Where a Licensed Vehicle has a Taximeter affixed to, and used on their Licensed Vehicle, the Licence Holder shall have a Taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Taxi Examination Centre as to distance and time in accordance with the approved taxi fares and charges, and no other Taximeter shall be affixed or used. Such taximeter must be electronic and capable of multi tariff operation.
- 71. A supplier or repairer of Taximeters may be authorised by the Council to test and seal meters. Once such a Taximeter is fitted to their Licensed Vehicle the Licence Holder shall not tamper with the Taximeter or break or tamper with any seal or stamp on such Taximeter or any attachment or connection affixed thereto except to remove the Taximeter for repair or replacement. Should the Taximeter be removed or should the seal be broken or faulty, the Taximeter shall be re-tested, stamped and sealed by the Council or authorised supplier before being used again as a Licensed Vehicle.
- 72. The Licence Holder shall ensure that the Taximeter fitted to their Licensed Vehicle is in an approved position.

73. The Licence Holder shall not knowingly use, or cause or permit to be used on their Licensed Vehicle, a Taximeter which is in any way defective or when the seal is broken or detached.
74. The Licence Holder shall not use, or cause to permit to be used on their Licensed Vehicle, a road wheel or tyre of a different circumference from that for which the Taximeter affixed to the Licensed Vehicle was designed and geared for that Licensed Vehicle and has been tested by the Council.

## **Electronic Security System**

### **Forward Facing Cameras**

75. The Licence Holder shall not install forward facing cameras in a Licensed Vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
  - a) Forward facing camera are only to be used for motor insurance purposes;
  - b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness;
  - c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear;
  - d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions;
  - e) The installed system must not weaken the structure or any component part of the Licensed Vehicle, or interfere with the integrity of the manufacturer's original equipment;
  - f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the Driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the Driver and/or passengers;
  - g) Equipment must not obscure or interfere with the operation of any of the Licensed Vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;
  - h) No equipment may interfere with the Driver's view;
  - i) Viewing screens within the Licensed Vehicle for the purposes of viewing captured images are not permitted;

- j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed;
- k) The equipment must not record sound
- l) The equipment must be mounted and used so as to record only views outside the Licensed Vehicle;
- m) If the equipment is later removed, there is no requirement to notify the Council of its removal, but any damage to the Licensed Vehicle caused by removal must be remedied to an acceptable standard
- n) The Licence Holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the Licence Holder for a minimum of 12 months and will be made available on demand to an Authorised Officer, Cab Inspector or Constable
- o) Upon request for image retrieval by the Cab Inspector, Authorised Officer or Constable the Licence Holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.
- p) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc

76. If forward facing cameras are fitted to a Licensed Vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Data Protection Act 1998 applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Data Protection Act 1998. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
77. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
78. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

### **Safety Cameras**

79. The Licence Holder shall not install safety cameras in a Licensed Vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
- a) Safety cameras are only to be used for the purposes of Driver safety. This may also benefit passengers.

- b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness.
- c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or Driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.
- d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
- e) The installed system must not weaken the structure or any component part of the Licensed Vehicle, or interfere with the integrity of the manufacturer's original equipment.
- f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the Driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
- g) Equipment must not obscure or interfere with the operation of any of the Licensed Vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
- h) No equipment may interfere with the Driver's view.
- i) Viewing screens within the Licensed Vehicle for the purposes of viewing captured images are not permitted.
- j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed.
- k) Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008), and any guidance on this topic which is subsequently published.
- l) If the equipment is later removed, there is no requirement to notify the Council of its removal, but any damage to the Licensed Vehicle caused by removal must be remedied to an acceptable standard
- m) The Licence Holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months and will be made available on demand to an Authorised Officer, Cab Inspector or Constable
- n) Upon request for image retrieval by an Authorised Officer, Cab Inspector or Constable the Licence Holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.

- o) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc.
80. If Safety Cameras are fitted to a Licensed Vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Data Protection Act 1998 applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Data Protection Act 1998. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
81. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
82. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

### **Log Book**

83. The Licence Holder shall make available to any driver using the vehicle a suitable log book capable of recording, before the start of each journey, the following particulars for each contract of hire:
- (a) The time of the hire
  - (b) The pick up point
  - (c) The place of destination
  - (d) The name of the hirer
  - (e) The licence number and registration number of the vehicle
  - (f) The details of the driver
84. The log book must be capable of recording each hire in permanent ink and in chronological order
85. The Licence Holder shall ensure that the Driver of the Licensed Vehicle delivers the information as detailed in condition 83 for collation at the termination of each shift of driving.
86. The log book referred to in condition 83 shall be kept for a minimum of six months in chronological order and must be produced on request to an Authorised Officer, the Cab Inspector or a Constable for inspection
87. A central automated logging system at a Licensed Vehicle booking office may be used in place of a log book provided that the system can record and store in chronological order the details required in condition 83, and has been approved by the Council.

88. Any record of hires contained either within the log book or in a central automated logging system so approved must be secure and not capable of being falsified.

### **Fulfilment of Hire**

89. The Licence Holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to Hire their Licensed Vehicle which the Licence Holder has accepted, or which has been accepted on the Licence Holder's behalf by any representative, unless prevented by reasonable and sufficient cause.
90. The Licence Holder shall take steps to ensure that each potential hirer of their Licensed Vehicle consents at the time of the arrangement of the Hire to an exclusive Hire or a Shared Hire as the case may be.
91. The Licence Holder shall not carry, or cause or permit to be carried in their Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
92. The Licence Holder shall not knowingly carry, or cause or permit to be carried in his Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
93. The Licence Holder shall not permit his Licensed Vehicle to be utilised for any illegal purpose.
94. If any person suffering from any notifiable infectious or contagious disease is carried in a Licensed Vehicle, the Licence Holder shall, as soon as it comes to his knowledge, give notice to the Cab Inspector who shall notify the appropriate medical authority and shall not cause or permit such Licensed Vehicle to carry passengers for hire until the appropriate medical authority certifies that the Licensed Vehicle has been adequately disinfected.

### **Receipts**

95. The Licence Holder shall ensure that, at the termination of the hire, a signed or electronic receipt for the fare shall be provided by the Driver of the Licensed Vehicle to the passenger if requested, stating:
- (a) the time and date of the journey
  - (b) the licence number of the vehicle
  - (c) the amount of the fare charged
  - (d) the name of the driver

### **Record of Drivers**

96. The Licence Holder shall keep an up-to-date record of the names and addresses of all Driver's employed by that Licence Holder or in a contract or vehicle leasing arrangement with that Licence Holder, together with the dates and times that each Driver was in charge of the Licensed Vehicle.
97. The record of Drivers shall be kept for a minimum of six months and must be produced on request to an Authorised Officer, Cab Inspector or a Constable for inspection together with any other such information as may be required for the purpose of ascertaining the identity of any Driver employed by the said Licence holder or for any other purpose relating to these conditions.

### **Change of Address**

98. A Licence Holder on changing their permanent address shall notify the Council of their new address in writing, within ten working days. This may be done by notice to the Council's Licensing Section, 249 High Street, Edinburgh EH1 1YJ or by e-mail to: [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk).

### **Suspension of Licence**

99. When an Authorised Officer or Constable suspends the licence of a Licensed Vehicle in accordance with Section 11 of the Act, the Authorised Officer or Constable shall affix a label bearing:
  - (a) the words "this hire car is in the meantime certified unfit for public use" and
  - (b) the date of the suspension,in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. The Licensed Vehicle cannot be used as a Licensed Vehicle until an Authorised Officer is satisfied as to the safety of the Licensed Vehicle or accuracy of the Taximeter and has removed the label.
100. When a Licence is suspended in accordance with Paragraph 12 of Schedule 1 the Licence Holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.

### **Return of Licence and Plates**

101. When a Licensed Vehicle ceases to be used as such the Licence Holder shall give immediate notice to the Council and return to the council the licence in respect of their Licensed Vehicle, along with the taxi plates and the Certificate of Compliance, within ten working days.

### **Miscellaneous Compliance**

102. The Licence Holder shall:

- (c) not obstruct any Authorised Officer, Cab Inspector or Constable, in the performance of any of their duties under these conditions;
- (d) comply with all instructions or directions of any Authorised Officer, Cab Inspector or Constable in relation to these conditions; and
- (c) provide an Authorised Officer, Cab Inspector or Constable with accurate information reasonably required by the officers in the discharge of their duties;
- (d) ensure that no advertising material of any kind, other than business cards relating directly to the operation of the Licensed Vehicle i.e. providing contact details handed out to passengers within the Licensed Vehicle, is distributed by Drivers of the Licensed Vehicle or left within the Licensed Vehicle.

103. If the Licence Holder loses his Licence or any other document issued to him by the Council, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.

#### **Notification of convictions etc**

104. Where a Licence Holder is:

- (e) charged with any crime or offence of any nature;
- (f) convicted of any crime or offence by any court;
- (g) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); or
- (h) has his DVLA driving licence endorsed with any offence or penalty or medical restriction;

He must report that information to the Council within 10 working days of the date of any of the above being intimated to him.

#### **Notification of information in relation to Drivers**

105. The Licence Holder is required to report the following information regarding any Driver of his Licensed Vehicle to the council within 24 hours (or the following working day) of that information coming to his attention in relation to Drivers of the Licensed Vehicle:

- (b) information that any Driver has been disqualified from driving;

- (b) information that any Driver is suffering from any medical condition which may affect his fitness to drive a taxi;
- (c) information that any Driver is using illegal drugs;
- (d) information that any Driver may have committed any offence involving dishonesty or sexual impropriety.

### **Training**

106. The Licence Holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

## **PART 4 – HOLDER OF TAXI DRIVER’S LICENCE**

This Part 4 in conjunction with any relevant Schedules shall be referred to as the “Taxi Driver’s Licence Conditions”. For the purposes of the Taxi Driver’s Licence Conditions the term Driver will refer only to those who hold a licence to drive a taxi and the term Licensed Vehicle will only refer to a taxi.

### **Identity Card**

107. A Driver must at all times when in charge of a Licensed Vehicle, wear and display the taxi driver identity card issued by the Council and will, on request, allow the card to be examined by any passenger, Authorised Officer, the Cab Inspector or Constable. If an identity card becomes damaged, disfigured, lost or stolen the Licence Holder shall immediately and in any case at the very latest the next working day obtain from the Council on payment of the appropriate fee, a replacement.

### **Driver checks**

108. The Driver, on each occasion prior to commencing his shift with a Licensed Vehicle shall ensure that:
- (a) a valid certificate of insurance or cover note confirming that he is insured to drive the Licensed Vehicle is contained within the Licensed Vehicle as detailed in condition 2 of these conditions;
  - (b) the Licensed Vehicle, including all bodywork is free from any damage or dents; upholstery and fittings (including ramps and accessories); is roadworthy, safe and serviceable; complies with the provisions of Schedule A to these conditions and; is in a clean condition subject to prevailing road and weather conditions;
  - (c) the Licensed Vehicle is displaying current Licence Plates in accordance with the provisions of condition 6 of these conditions; and
  - (d) a copy of the current Fare Table is being carried within the Licensed Vehicle.

### **Condition of Vehicle**

109. The Driver must not operate any Licensed Vehicle during any period in which it does not comply with the provisions of Schedule A to these conditions.

### **Fulfilment of Hire**

110. Unless prevented by a reasonable cause a Driver, upon acceptance of a Hire, must complete any Hire engagement at the time and location agreed or provide suitable alternative arrangements. This includes a Hire accepted on the Driver's behalf by any Representative or booking office through which the Driver operates.
111. Where a Driver has accepted a Hire engagement they must attend at the agreed time and location advising the hirer of their arrival. Where the hirer does not commence their journey within five minutes of the arrival of the Licensed Vehicle (or other additional period agreed between the hirer and the Driver) the Driver may refuse to fulfil the Hire and, where the Licensed Vehicle has been booked by telephone or other booking arrangement the Driver will be entitled to payment of any waiting time, call out charge and cancellation fee as approved by the Council's Fare Table for Licensed Vehicles.
112. A Driver must not refuse to accept a hire which starts and terminates within the Council's licensed area unless the hirer or any passenger:
- a) Is not prepared to give a precise destination; or
  - b) Is drunk or otherwise not in a fit state to be carried; or
  - c) Whose condition or clothing is offensive or likely to contaminate or cause damage to the interior of the Licensed Vehicle; or
  - d) Is smoking or using a electronic inhaler and refuses to stop before entering the Licensed Vehicle or, once in the Licensed Vehicle refuses to stop when requested to do so by the Driver; or
  - e) Is accompanied by any animal which is likely to damage or soil the interior of the Licensed Vehicle, with the exception of an Assistance Dog; or
  - f) Cannot be conveyed for any other reasonable cause.
113. A Driver must not:
- a) permit any animal to be on or in the Licensed Vehicle except an animal which is in the charge of a passenger.
  - (b) carry, or cause or permit to be carried in any Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
  - (c) knowingly carry, or cause or permit to be carried in such Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
  - (d) knowingly cause or permit such Licensed Vehicle to be utilised for any illegal purpose.

114. Where a Licensed Vehicle has been Hired:
- (a) by or for a disabled person who is accompanied an Assistance Dog; or
  - (b) by a person who wishes such a disabled person to accompany that person in a Licensed Vehicle, the holder of a Licensed Vehicle shall carry the Assistance Dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.

Any Driver who, for reasons of health, is or at any time becomes unable to transport Assistance Dogs, must advise the Council immediately and make application for a notice of exemption in terms of Section 169 of the Equality Act 2010 which upon issue must be displayed in a prominent position on the dashboard or the windscreen of the Licensed Vehicle facing outwards where it can conveniently be read by anyone seeking to hire the Licensed Vehicle.

115. The Driver must:
- a) Prior to driving a Licensed Vehicle undertake training in the use of approved restraint systems for the carrying of wheelchairs within the Licensed Vehicle he is in charge of and follow the manufacturer's instructions for using all access and restraint equipment on every occasion that the systems are used;
  - b) ensure all access and restraint equipment is safe and serviceable and carried on the Licensed Vehicle at all times;
  - c) ensure that all ramps carried within the licensed vehicle are stamped with the registration number of that licensed vehicle and have a certificate of safe working load attached to them;
  - d) use an approved restraint system for wheelchairs and a seat belt for the passenger on every occasion. It is a legal requirement that passengers wear the seatbelt provided unless they hold a medical exemption certificate;
  - e) follow the manufacturer's instructions for using all access and safety equipment on every occasion;
  - f) where wheelchair tie-down and occupant restraint systems have not been provided at the time of manufacture by the vehicle manufacturer, ensure that all such equipment used in the Licensed Vehicle complies with ISO 10542 or any replacement standard
116. The Driver may not in any circumstances pick up or convey another passenger without the consent of the original Hirer. The Licence Holder shall drive to the destination by the shortest practicable route unless otherwise instructed by the Hirer.

### **Number of Passengers**

117. A Driver must not carry more passengers than specified on the vehicle licence and must ensure before commencing any Hire that all passengers are properly seated in approved passenger seats and remain seated at all times during the journey.

### **Shared Hire\***

118. The Driver shall operate on Shared Hire only with the consent of the first hirer even if there is displayed on the Licensed Vehicle a sign approved by the Council indicating that the Licensed Vehicle is available for Shared Hire but the driver of a Licensed Vehicle shall not be required to operate on Shared Hire if no such sign is displayed on the Licensed Vehicle at the time of the initial hiring.
119. The Driver on Shared Hire may decline to accept a further passenger on the grounds that the intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or passengers or that the further passenger's Luggage cannot be accommodated safely within the Luggage compartment of the Licensed Vehicle.

### **Exclusive Hire\***

120. The driver of a Licensed Vehicle which is on exclusive Hire may not in any circumstances pick up or convey another passenger without the consent of the original hirer.
121. The Driver of a Licensed Vehicle which has been hired on exclusive Hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The Driver of a Licensed Vehicle which has been hired on Shared Hire shall take the shortest practicable route which will serve the destinations of all the passengers whom the Licensed Vehicle is carrying at any one time

### **Fares**

122. Where the passenger requires to exit the Licensed Vehicle to source the fare from a remote location, the Hire shall continue until the passenger is able to offer payment of the fare. However, where a Licensed Vehicle has been called by telephone or other advance arrangement, the Hire shall commence after the Driver of the Licensed Vehicle has announced the arrival of Licensed Vehicle to the prospective hirer or passenger at the place to which it has been summoned.
123. No fare shall be payable by the Hirer in respect of any journey by the Licensed Vehicle from the place at which it is discharged by the Hirer.
124. The Driver shall not demand any fare from any person who has engaged a Licensed Vehicle (and no fare shall be payable by such person):
  - (a) if the Licence Plates with the appropriate licence number are not displayed in accordance with condition 7 of the licence conditions;or

- (b) if the Driver does not on demand exhibit the means of identification issued by the Council; or
  - (c) if the Driver demands more than the metered fare or where appropriate in terms of condition 125 below, the fare agreed upon before the start of the hire; or
  - (d) if the Driver fails or refuses to complete an engagement except for any reasonable cause; or
  - (e) if the Licensed Vehicle breaks down or if the Licensed Vehicle becomes in any way unfit to convey the Hirer to the destination for which the hirer engaged such a Licensed Vehicle;
  - (f) if the Fare Table programmed in the Taximeter is different from any Fare Table displayed in the Licensed Vehicle;
  - (g) if the Driver of a Licensed Vehicle removes the record of any fare from the Taximeter before the appropriate Hirer has examined it or has had a reasonable opportunity of examining it, or if, during the Hours of Darkness, the Licensed Vehicle Driver fails to keep any fare dial display illuminated for the whole of the period that such Licensed Vehicle is occupied by the Hirer and until the hirer has examined the Taximeter or has had a reasonable opportunity of examining it.
125. The Driver of a Licensed Vehicle not being used as a Taxi Bus shall, if the cost of the journey is not regulated by an Authorised Metered Fare, inform the Hirer before the journey commences :
- (a) that the Taximeter is not required to be used; and
  - (b) of the cost or the method of calculating the cost of the proposed journey.
126. The Driver shall carry a copy of the up to date Fare Table issued by the Council within the Licensed Vehicle at all times and shall produce it for immediate inspection by any member of the public on request.

### **Taximeter**

127. The Driver shall ensure that the Taximeter fitted in the Licensed Vehicle in his charge shall be operated:
- (a) at all times for hires starting and finishing within the Licensed Area; and,
  - (b) with the agreement of the hirer, in relation to hires either starting or finishing outwith the Licensed Area.
128. The Driver shall, as soon as hired, but no sooner, set the Taximeter in motion and whilst engaged shall have the words "Hire" illuminated on the face of the Taximeter so that it is readily visible at all times.

129. Immediately on the termination of a Hire the Driver shall stop the time mechanism within the Taximeter but shall not remove the fare record from the Taximeter until the hirer has examined it or has had a reasonable opportunity of examining it.
130. During the Hours of Darkness the Driver shall keep the fare dial display illuminated, for the whole of the period that the Licensed Vehicle in their charge is occupied by a Hirer and until the Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.

### **Passenger Assistance**

131. The Driver shall give such reasonable assistance to passengers or potential passengers to access the Licensed Vehicle as is required. In particular:
  - (a) in relation to persons with obvious mobility difficulties the Driver shall make appropriate enquiries of that person to identify their preferred method of accessing the Licensed Vehicle and seating requirements;
  - (b) in relation to passengers who use wheelchairs the Driver must ascertain whether the passenger wishes to remain within their wheelchair and if so must help the passenger to get into and out of the Licensed Vehicle; the Driver must also load the wheelchair into the Licensed Vehicle; the Driver must also offer to load the passenger's Luggage into and out of the Licensed Vehicle;
  - (c) the Driver shall make use of the Licensed Vehicle's step as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this;
  - (d) the Driver shall take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort.
132. The Driver shall give such reasonable assistance to his passengers as he is able to give with loading and unloading their Luggage when required to do so, but the Driver of the Licensed Vehicle will not be required to leave the immediate proximity of the Licensed Vehicle in doing so.
133. The Driver shall either:
  - (a) assist passengers travelling within wheelchairs to access the Licensed Vehicle using the ramp and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey; or
  - (b) if the Driver has an Exemption Certificate issued in terms of Section 169 of the Equality Act 2010 from complying with Conditions 131(a) – (d) above he shall explain that to the potential passengers, show them his Certificate of

Exemption and enquire as to whether they are able to load the wheelchair themselves or alternatively ask them to wait for the next suitable Licensed Vehicle.

134. The Driver holding a Certificate of Exemption from compliance with condition 131 shall display a copy of the Certificate on the passenger doors of the Licensed Vehicle and on the windscreen so it can be read by passengers attempting to enter the Licensed Vehicle.
135. Conditions 131(a) – (d) above will not apply if the Licence Holder is not driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs.

### **Driver Behaviour**

136. The Driver, while in charge of the Licensed Vehicle, must behave in a professional, considerate and orderly manner and shall not do anything while in charge of the Licensed Vehicle which is a breach of any road traffic or other legislation.
137. The Driver shall not permit any person to drive the Licensed Vehicle which he is in charge of while such Licensed Vehicle is on Hire or is available for Hire unless that person is the holder of a current Council Driver's licence.

### **Smoking**

138. In terms of the Smoking, Health & Social Care (Scotland) Act 2005 or any amending legislation it is a criminal offence for anyone to smoke in a Licensed Vehicle at any time even when the Licensed Vehicle is not being used for hire. The Licence Holder of a Licensed Vehicle shall not smoke within the Licensed Vehicle at any time and shall ensure that no one else does.

### **E Cigarettes**

139. Tobreg\* (the World Health Organisation study group on tobacco regulation) strongly recommends that electronic cigarettes, commonly known as e-cigs, are not to be excepted from "clean air" laws which restricts the places in which cigarette smoking is allowed, until evidence shows their use does not expose non-users to toxic emissions. On this basis the holder of a Licensed Vehicle shall not smoke e-cigs within the Licensed Vehicle at any time and shall ensure that no one else does.
140. The Driver shall not permit any person to ride on any loading platform or in any Luggage compartment or other part of the Licensed Vehicle not set aside for the accommodation of passengers.

141. The Driver shall not knowingly use the vehicle as a Licensed Vehicle while the Licensed Vehicle is suspended or while the Licensed Vehicle is not displaying current Licence Plates.

142. The Driver shall not:

- (a) use a mobile phone (even by means of a “hands free” kit); or
- (b) any other communication device; or
- (c) conduct himself in any manner;

which prevents him from exercising full control over the speed and direction of the Licensed Vehicle while it is in motion.

143. When a Licensed Vehicle is hired or standing for Hire, the driver, shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period the driver may be absent to announce the arrival of the Licensed Vehicle or for any other necessary purpose.

144. The Driver of a Licensed Vehicle shall not stand or loiter with the Licensed Vehicle in any street in the near vicinity to a Taxi Stance while such Taxi Stance is fully occupied by the authorised number of Licensed Vehicles nor shall the Driver of the Licensed Vehicle cause the Licensed Vehicle to stand in such vicinity.

145. The Driver must switch off his engine when the vehicle is stationary to avoid unnecessary vehicle idling, (especially in the vicinity of sensitive areas such as schools, hospitals and residential areas) except in the following circumstances:

- a) where the Licensed Vehicle is stationary owing to the necessities of traffic – e.g. when vehicles are queuing at traffic signals;
- b) where an engine is being run so that a defect can be traced and rectified – e.g. when a defective vehicle is being attended to by a breakdown/recovery agent;
- c) for short periods on occasions where the weather conditions are extreme either to operate the Licensed Vehicle’s heating or air conditioning.

146. The Driver of a Licensed Vehicle shall not canvass for employment in any public place except where the Licensed Vehicle is being operated on Shared Hire to such extent as is reasonably required to ascertain whether there are any prospective further passengers who wish to participate in the Shared Hire of the Licensed Vehicle.

147. The Driver is required to switch off his vehicle's engine immediately when requested to do so by an Authorised Officer, the Cab Inspector or Constable.

### **Dress Code**

148. The Driver, while in charge of a Licensed Vehicle, shall be clean and tidy in his person and shall wear clothing of a type specified as appropriate in the Dress Code contained in Schedule D to these conditions.

### **Passenger Luggage**

149. All passengers Luggage other than light hand Luggage must be stored in the luggage compartment of the Licensed Vehicle. Additional charges for the carrying of Luggage may not be made other than in accordance with the current fare table.
150. The Driver shall not refuse to carry Luggage in the Licensed Vehicle providing that the said Luggage can be accommodated safely within the Luggage compartment of the Licensed Vehicle.

### **Lost Property**

151. Immediately after the completion of his shift, the Driver shall search the Licensed Vehicle of which he is in charge for any property which may have been left therein.
152. Any property found in such Licensed Vehicle by the Driver shall forthwith be returned by the Driver to the owner of the property, or such property shall be handed in by the Driver to any police station in the Licensed Area within 24 hours along with:
- (a) a note of the Licensed Vehicle Driver's name and address;
  - (b) the name of the holder of the licence for such Licensed Vehicle;
  - (c) the number of the Licensed Vehicle;
  - (d) the names and addresses of all Hirers of the Licensed Vehicle during that day so far as known to the Driver which may assist in determining ownership of the property.

### **Taxi Stances**

153. All drivers of a Licensed Vehicle arriving at an appointed Taxi Stance shall take their stations on such Taxi Stance from front to rear in order of their arrival, and Hires will be accepted in that order, except, when an intending hirer wishes to engage a specific Licensed Vehicle or its Driver, in which case the engagement may be accepted in the

order indicated by the intending hirer, but the onus of proving the hirer's wishes shall be on the Driver of the Licensed Vehicle apparently chosen out of order.

154. When the Driver of a Licensed Vehicle drives off a Taxi Stance (except on any Taxi Stance where contrary conditions or restrictions are specified), the Driver immediately behind shall draw up the Licensed Vehicle to take the place vacated, and the Drivers of Licensed Vehicles on the Taxi Stance behind shall draw up their Licensed Vehicles in a like manner.
155. When a signal for a Licensed Vehicle is made to a Taxi Stance from a distance, only the Driver of the Licensed Vehicle first on such a Taxi Stance to which the signal is made shall drive off in answer to such a signal.
156. The Driver of a Licensed Vehicle on or within 50 metres of any Taxi Stance to which a signal is made for a Licensed Vehicle shall not be permitted to accept a Hire and shall not answer the signal if there is any disengaged Licensed Vehicle on such Taxi Stance capable of accepting the Hire, unless all Drivers of such Licensed Vehicles clearly indicate that they have no objection.
157. A Driver must not join any Taxi Stance occupied by the maximum number of Licensed Vehicle permitted on the Taxi Stance nor must he stand or loiter with a Licensed Vehicle in any street in the near vicinity to a Taxi Stance while such Taxi Stance is fully occupied by the authorised number of Licensed Vehicles nor shall the Driver stand in such vicinity.
158. Whilst outwith his Licensed Vehicle at a Taxi Stance a driver must not loiter in the roadway at or near the Taxi Stance nor cause his vehicle to encroach in any way onto the road.

### **Electronic Security System**

159. A Driver who is driving a Licensed Vehicle with an electronic security system installed in the Licensed Vehicle must ensure that letter of approval/licence from the Council for the installation is retained at all times within the vehicle and available for inspection by any Authorised Officer, the Cab Inspector or Constable on request.
160. When the Driver is driving a Licensed Vehicle with electronic security system installed in the Licensed Vehicle the additional conditions contained in sections 34 - 41 to these conditions will apply.

### **Change of Address / Address for Correspondence**

161. When a Driver changes his permanent address he must:
  - a) advise the Council of the change to his address within five working days of that change. This may be done by notice to the Licensing Team, The City of

Edinburgh Council, City Chambers Business Centre 9:43, 249 High Street,  
Edinburgh EH1 1YJ or by email to [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk)

- b) immediately update his DVLA driving licence with the new address.

### **Suspension of Licence**

162. When an Authorised Officer or Constable suspends the licence of a Licensed Vehicle in accordance with Section 11 of the Act, the Authorised Officer or Constable shall affix a label bearing:
- (a) the words “this hire car is in the meantime certified unfit for public use” and
  - (b) the date of the suspension,
- in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. The Licensed Vehicle cannot be used by any driver as a Licensed Vehicle until an Authorised Officer is satisfied as to the safety of the Licensed Vehicle or accuracy of the Taximeter and has removed the label.
163. When a Licence is suspended in accordance with Paragraph 12 of Schedule 1 the Licence Holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.

### **Return of Licence and Identity Card**

164. If the Driver of a Licensed Vehicle ceases for any reason to be authorised by law to drive and their licence ceases to have effect in terms of section 13(6) of the Act then they shall immediately give notice to the Council of their disqualification or such other reason and return their taxi driver’s licence and identity card to the Council’s Licensing Section at 249 High Street, Edinburgh EH1 1YJ.

### **Medicals**

165. The Driver must have a current certificate of medical fitness to drive a taxi, if required by the DVLA standards in relation to Group 2 licence holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate.
166. The Driver who fails to attend for a medical examination after receiving written confirmation of the date of the examination shall be required to pay the appropriate fee for the missed medical before a further medical examination will be arranged.
167. In relation to the cost of all medical examinations, follow up reports and additional tests which may be required in order to assess a Driver's fitness to drive these shall be met by the Council. For the avoidance of doubt, all new applicants for Licences

must be certified fit to drive a Licensed Vehicle for a minimum period of twelve months by the Council's appointed medical examiners following a single medical examination.

168. If a Driver suffers from, or is diagnosed with any medical condition which may affect his fitness to drive a Licensed Vehicle he shall immediately report that information to the Council's Licensing Team, City Chambers Business Centre 9:43, 249 High Street, Edinburgh EH1 1YJ within two working days of that information coming to his attention and shall thereafter attend a medical examination within the next 14 days for the purpose of confirming his fitness to drive a Licensed Vehicle.
169. If a Driver requires an Exemption Certificate issued in terms of Section 168 of the Equality Act 2010 they shall attend medical examinations as are necessary prior to the issue of such a certificate. An Exemption Certificate shall be valid for the period as indicated by the medical provider and requires to be renewed in conjunction with the Driver's licence.

### **Compliance with Authorised Officer**

170. The Driver of a Licensed Vehicle shall not obstruct an Authorised Officer, the Cab Inspector or Constable in the performance of any of their duties under these conditions.
171. The Driver of a Licensed Vehicle shall comply with all the instructions or directions of an Authorised Officer, the Cab Inspector or Constable in relation to these conditions and shall give all information reasonably required by them in the discharge of their duties.

### **Notification of Convictions etc**

172. Where a Driver is:

- (a) charged with any crime or offence of any nature;
- (b) convicted of any crime or offence by any court;
- (c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); and/or
- (d) has his DVLA driving licence endorsed with any offence or penalty;

he must give notice of that to the Council within 10 working days of the date of any of the above being intimated to him.

### **Miscellaneous**

173. The fee for the grant or renewal of a Driver's Licence will be payable in terms of the Council's published table of fees in full on the lodging of the application.
174. The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to his Licence. Where any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Council within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.
175. When the Driver is in charge of a Licensed Vehicle whilst it is undertaking a Hire or available for Hire the Private Hire Car Driver's Licence conditions in Part V shall apply in place of the Taxi Driver's Licence conditions under this part.
176. If the Driver loses his Licence or identity card or any other document issued to him by the Council, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.
177. When the Driver has given up the activity of driving a Licensed Vehicle, he shall surrender his Licence to the Chief Solicitor as required by Paragraph 13(2)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982.

### **Training**

178. The Driver is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

## **PART V – HOLDER OF PRIVATE HIRE CAR DRIVER’S LICENCE**

This Part V in conjunction with any relevant Schedules shall be referred to as the “Private Hire Car Driver’s Licence Conditions”. For the purposes of the Private Hire Car Driver’s Licence Conditions the term Driver will refer only to those who hold a Licence to drive a Private Hire Car or Taxi only and the term Licensed Vehicle will only refer to Private Hire Car.

### **Identity Card**

179. The Driver shall at all times when in charge of a Licensed Vehicle be in possession of the identity card provided by the Council. This Identity card must be worn by the Driver and displayed within the Licensed Vehicle and when requested, the Driver must allow the examination of the card by any passenger, Authorised Officer, the Cab Inspector or Constable. The card shall include the Driver’s name, photograph, licence number and expiry date.

### **Driver checks**

180. The Driver, on each occasion prior to commencing his shift with a Licensed Vehicle must ensure that:
- (a) a valid certificate of insurance or cover note confirming that he is insured to drive the Licensed Vehicle is contained within the Licensed Vehicle as detailed in condition 55 of these conditions;
  - (b) the Licensed Vehicle, including all bodywork, upholstery and fittings (including ramps and accessories) is roadworthy, safe and serviceable, complies with the provisions of Schedule 54(d) to these conditions and is in a clean condition subject to prevailing road and weather conditions,
  - (c) the Licensed Vehicle is displaying current licence plates in accordance with the provisions of condition 54(b) of the these conditions; and
  - (d) where the Licensed Vehicle is fitted with a Taximeter, a copy of the current Fare Table is displayed within the licensed vehicle.

### **Condition of Vehicle**

181. The Driver must not operate such a Licensed Vehicle during any period in which it does not comply with the provisions of Schedule **B** of these conditions.
182. The Driver of a Licensed Vehicle shall ensure that the Licensed Vehicle, including all bodywork is free from damage or dents, upholstery and fittings are roadworthy, safe

and serviceable and it is in a clean condition subject to prevailing road and weather conditions.

### **Log Book**

183. The Driver of a Licensed Vehicle shall before the start of each journey complete a suitable log book containing the following particulars for each contract of Hire:

- (a) The time of the hire
- (b) The pick up point
- (c) The place of destination
- (d) The name of the hirer
- (e) The licence number and registration number of the vehicle
- (f) The details of the driver

The driver shall deliver the log book to the Licence Holder of the Licensed Vehicle at the termination of each shift of driving, for collation.

184. The log book must be capable of recording each hire in permanent ink and in chronological order

185. The Licence Holder shall ensure that the Driver of the Licensed Vehicle delivers the information as detailed in condition 183 for collation at the termination of each shift of driving.

186. The log book referred to in condition 183 shall be kept for a minimum of six months in chronological order and must be produced on request to an Authorised Officer, the Cab Inspector or a Constable for inspection

187. A central automated logging system at a Licensed Vehicle booking office may be used in place of a log book provided that the system can record and store in chronological order the details required in condition 83, and has been approved by the Council.

188. Any record of hires contained either within the log book or in a central automated logging system so approved must be secure and not capable of being falsified.

### **Signs**

189. The Driver shall not drive a Licensed Vehicle which is:

- (a) displaying a sign of any kind on the roof of the Licensed Vehicle;
- (a) displaying the word “cab”, “taxi” or “for hire” or any other words which might give the impression that the vehicle is a taxi or is immediately available for Hire.

190. The Driver shall not wear any clothing displaying the words specified in condition 189(b) above whilst operating as a licence holder.

## **Fulfilment of Hire**

191. Unless prevented by a reasonable cause a Driver, upon acceptance of a Hire, must complete any hire engagement at the time and location agreed or provide suitable alternative arrangements. This includes a Hire accepted on the driver's behalf by any Representative or booking office through which the Driver operates.
192. Where an engagement of a Licensed Vehicle for Hire has been accepted by a Driver, the Driver shall fulfil such engagement punctually and shall announce the arrival of such immediately to the person on whose behalf the engagement was made at the place to which it has been summoned. If that person does not commence their journey within five minutes of arrival of the Licensed Vehicle, or such additional period as may be agreed between the Driver and that person, the Driver may refuse to fulfil further the engagement to Hire the Licensed Vehicle, but the Driver of a Licensed Vehicle shall be entitled to receive payment of any engagement fee and any fare which may be payable in terms of the Council's approved Fare Table.
193. A Driver must not refuse to accept a hire which starts and terminates within the Council's licensed area unless the hirer or any passenger:
- a) Is not prepared to give a precise destination; or
  - b) Is drunk or otherwise not in a fit state to be carried; or
  - c) Whose condition or clothing is offensive or likely to contaminate or cause damage to the interior of the Licensed Vehicle; or
  - d) Is smoking or using a electronic inhaler and refuses to stop before entering the Licensed Vehicle or, once in the Licensed Vehicle refuses to stop when requested to do so by the Driver; or
  - e) Is accompanied by any animal which is likely to damage or soil the interior of the Licensed Vehicle, with the exception of an Assistance Dog; or
  - f) Cannot be conveyed for any other reasonable cause.
194. A Driver must not:
- a) permit any animal to be on or in the Licensed Vehicle except an animal which is in the charge of a passenger.
  - (b) carry, or cause or permit to be carried in any Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
  - (c) knowingly carry, or cause or permit to be carried in such Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.

- (d) knowingly cause or permit such Licensed Vehicle to be utilised for any illegal purpose.

195. Where a Licensed Vehicle has been Hired:

- (a) by or for a disabled person who is accompanied an Assistance Dog; or
- (b) by a person who wishes such a disabled person to accompany that person in a Licensed Vehicle, the holder of a Licensed Vehicle shall carry the Assistance Dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.

Any Driver who, for reasons of health, is or at any time becomes unable to transport Assistant Dogs, must advise the Council immediately and make application for a notice of exemption in terms of Section 169 of the Equality Act 2010 which upon issue must be displayed in a prominent position on the dashboard or the windscreen of the Licensed Vehicle facing outwards where it can conveniently be read by anyone seeking to hire the Licensed Vehicle.

196. The Driver must:

- (a) prior to driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs undertake training in the use of approved restraint systems for the carrying of wheelchairs within the Licensed Vehicle he is in charge of and follow the manufacturer's instructions for using all access and restraint equipment on every occasion that the systems are used;
- (b) ensure all access and restraint equipment is safe and serviceable and carried on the Licensed Vehicle at all times;
- (c) ensure that all ramps carried within the Licensed Vehicle and the passenger lift are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
- (d) use an approved restraint system for wheelchairs and a seat belt for the passenger on every occasion. It is a legal requirement that passengers wear the seatbelt provided unless they hold a medical exemption certificate;
- (e) follow the manufacturer's instructions for using all access and safety equipment on every occasion;
- (f) where wheelchair tie-down and occupant restraint systems have not been provided at the time of manufacture by the vehicle manufacturer, ensure that all such equipment used in the vehicle complies with ISO 10542 or any replacement standard.

197. The Driver may not in any circumstances convey another passenger without the consent of the original Hirer. The Driver shall drive to the destination by the shortest practicable route unless otherwise instructed by the Hirer.

### **Number of Passengers**

198. A Driver must not carry more passengers than specified on the licence and must ensure before commencing any Hire that all passengers are properly seated in approved passenger seats and remain seated at all times during the journey.

### **Shared Hire\***

199. The driver shall operate on Shared Hire only with the consent of the first Hirer even if there is displayed on the Licensed Vehicle a sign approved by the Council indicating that the Licensed Vehicle is available for Shared Hire but the Driver of a Licensed Vehicle shall not be required to operate on Shared Hire if no such sign is displayed on the Licensed Vehicle at the time of the initial hiring,
200. The Driver on Shared Hire may decline to accept a further passenger on the grounds that the intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or passengers or that the further passenger's Luggage cannot be accommodated safely within the Luggage compartment of the Licensed Vehicle.

### **Exclusive Hire\***

201. The driver of a Licensed Vehicle which is on exclusive Hire may not in any circumstances pick up or convey another passenger without the consent of the original Hirer.
202. The Driver of a Licensed Vehicle which has been hired on exclusive Hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The Driver of a Licensed Vehicle which has been hired on Shared Hire shall take the shortest practicable route which will serve the destinations of all the passengers whom the Licensed Vehicle is carrying at any one time

### **Canvassing for Business**

203. The Driver, whilst he is in charge of Licensed Vehicle, shall not:
- (a) canvass or importune in any Public Place, car park or street for employment;
  - (b) allow the Licensed Vehicle to wait in any Public Place except when he is fulfilling a pre-arranged Hire and the onus of proving such a Hire shall be on the Driver of the Licensed Vehicle.

### **Picking up Passengers**

204. The Driver shall not in any circumstances pick up passengers at or in the near vicinity of a Taxi Stance, even if he has a hire that is pre-booked
205. The Driver shall not in any circumstances pick up passengers until he has confirmed their identity and the existence of a booking and the onus of proving that such confirmation has been obtained shall be on the Driver of the Licensed Vehicle.

### **Fares**

206. Where the passenger requires to exit the Licensed Vehicle to source the fare from a remote location, the Hire shall continue until the passenger is able to offer payment of the fare. However, where a Licensed Vehicle has been called by telephone or other advance arrangement, the Hire shall commence after the Driver of the Licensed Vehicle has announced the arrival of the Licensed Vehicle to the prospective Hire or passenger at the place to which it has been summoned.
207. No fare shall be payable by the Hirer in respect of any journey by the Licensed Vehicle from the place at which it is discharged by the Hirer.
208. The Driver of a Licensed Vehicle shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The Driver of a Licensed Vehicle which has been Hired or Shared Hire shall take the shortest practicable route which will serve the destinations of all the passengers whom the Licensed Vehicle is carrying at any one time
209. The Driver of a Licensed Vehicle shall, unless the cost of the journey is regulated by an Authorised Fare, inform the hirer or passenger before the journey commences
  - (a) that the fare is not so regulated, and
  - (b) the cost or the method of calculating the cost of the proposed journey.
210. The Driver of a Licensed Vehicle shall not demand any fare from any person who has engaged a Licensed Vehicle (and no fare shall be payable by such person):
  - (a) if the Licence Plates with the appropriate Licensed Vehicle number are not displayed in accordance with condition 54(b) of the these Conditions; or
  - (b) if the Driver does not on demand exhibit the means of identification issued by the Council; or
  - (c) if the Driver demands more than the metered fare or where appropriate in terms of condition 17 below, the fare agreed upon before the start of the hire; or
  - (d) if the Driver fails or refuses to complete an engagement except for any reasonable cause; or

- (e) if the Licensed Vehicle breaks down or if the Licensed Vehicle becomes in any way unfit to convey the Hirer to the destination for which the Hirer engaged such a Licensed Vehicle.
- (f) if a Licensed Vehicle has a Taximeter in the Licensed Vehicle and the authorised fare programmed in the Taximeter is different from any Fare Table displayed in the vehicle.
- (g) if the Driver of a Licensed Vehicle fitted with a Taximeter removes the record of any fare from the Taximeter before the appropriate Hirer has examined it or has had a reasonable opportunity of examining it, or if, during the Hours of Darkness, the Driver fails to keep any fare dial display illuminated for the whole of the period that such Licensed Vehicle is occupied by the Hirer and until the appropriate Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.

### **Taximeter**

- 211. The Driver of a Licensed Vehicle in which a Taximeter has been fitted shall ensure that a taximeter fitted in the Licensed Vehicle in their charge shall be operated at all times, within the licensed area, in accordance with any instructions given by the Council and in accordance with any Fare Table displayed in the vehicle.
- 212. The Driver of a Licensed Vehicle in which a Taximeter has been fitted, as soon as hired, but no sooner, shall set the Taximeter in motion and whilst engaged shall have the words "Hire or Shared Hire" illuminated on the fare dial of the Taximeter so that it is readily visible at all times.
- 213. Immediately on the termination of such a Hire the Driver of a Licensed Vehicle shall stop the time mechanism within the Taximeter but shall not remove the fare record from the Taximeter until the hirer has examined it or has had a reasonable opportunity of examining it.
- 214. During the hours of darkness the Driver of a Licensed Vehicle in which a Taximeter had been fitted shall keep the fare dial display illuminated, for the whole of the period that the Licensed Vehicle in their charge is occupied by the hirer and until the hirer has examined the Taximeter or has had a reasonable opportunity of examining it.

### **Passenger Assistance**

- 215. The Driver shall give such reasonable assistance to passengers or potential passengers to access the vehicle as is required. In particular:
  - (a) in relation to persons with obvious mobility difficulties the Driver shall make appropriate enquiries of that person to identify their preferred method of accessing the Licensed Vehicle and seating requirements;

- (b) in relation to passengers who use wheelchairs, if his vehicle is suitable for transporting persons travelling within wheelchairs, the Driver must ascertain whether the passenger wishes to remain within their wheelchair and if so must help the passenger to get into and out of the Licensed Vehicle; The Driver must also load the wheelchair into the Licensed Vehicle; the Driver must also offer to load the passenger's Luggage into and out of the Licensed Vehicle;
  - (c) where the Licensed Vehicle has a step, the Driver shall make use of it as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this;
  - (d) the Driver shall take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort.
216. The Driver shall give such reasonable assistance to his passengers as he is able to give with loading and unloading their Luggage when required to do so but the Driver of the Licensed Vehicle will not be required to leave the immediate proximity of the Licensed Vehicle in doing so.
217. The Driver, if the Licensed Vehicle is suitable for transporting persons travelling within wheelchairs, shall either:
- (a) assist passengers travelling within wheelchairs to access the Licensed Vehicle using a ramp or the passenger lift and shall ensure that they are properly secured by means of seatbelts and restraints before starting the journey, or
  - (b) if the Driver has an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 from complying with Conditions 215 (a) - (d) above he shall explain that to the potential passengers, show them his Certificate of Exemption and enquire as to whether they are able to load the wheelchair themselves or alternatively ask them to make arrangements to travel in another suitable Licensed Vehicle.
218. Any Driver holding a Certificate of Exemption from compliance with condition 216 shall display a copy of the certificate in an approved holder on the dashboard of the Licensed Vehicle.
219. Conditions 215 (a) - (d) above will not apply if the Driver is not driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs.

### **Driver Behaviour**

220. The Driver, while in charge of the Licensed Vehicle, must behave in a professional, considerate and orderly manner and shall not do anything while in charge of the Licensed Vehicle which is a breach of any road traffic or other legislation.

221. The Driver shall not permit any person to drive the Licensed Vehicle which he is in charge of while such Licensed Vehicle is on Hire or is available for hire unless that person is the holder of a current Council taxi or PHC Driver's licence.

### **Smoking**

222. In terms of the Smoking, Health & Social Care (Scotland) Act 2005 or any amending legislation it is a criminal offence for anyone to smoke in a Licensed Vehicle at any time even when the Licensed Vehicle is not being used for hire. The licence holder of a Licensed Vehicle shall not smoke within the Licensed Vehicle at any time and shall ensure that no one else does.

### **E-cigarettes**

223. Tobreg\* (the World Health Organisation study group on tobacco regulation) strongly recommends that electronic cigarettes, commonly known as e-cigs, are not to be excepted from "clean air" laws which restricts the places in which cigarette smoking is allowed, until evidence shows their use does not expose non-users to toxic emissions. On this basis the holder of a Licensed Vehicle shall not smoke e-cigs within the Licensed Vehicle at any time and shall ensure that no one else does.
224. The Driver shall not permit any person to ride on any loading platform or in any Luggage compartment or other part of the Licensed Vehicle not set aside for the accommodation of passengers.
225. The Driver shall not knowingly use the vehicle as a Licensed Vehicle while the Licensed Vehicle is suspended or while the Licensed Vehicle is not displaying current Licence Plates.
226. The Driver shall not:
- (a) use a mobile phone (even by means of a "hands free" kit); or
  - (b) any other communication device; or
  - (c) conduct himself in any manner
- which prevents him from exercising full control over the speed and direction of the Licensed Vehicle while it is in motion
227. When a Licensed Vehicle is Hired or standing for Hire, the driver, shall either sit in the driving seat of the Licensed Vehicle or stand in the immediate proximity thereto except during any period the driver may be absent to announce the arrival of the Licensed Vehicle or for any other necessary purpose.

228. The Driver of a Licensed Vehicle shall not stand or loiter with the Licensed Vehicle in any street in the near vicinity to a Taxi Stance.
229. The Driver must switch off his engine when the Licensed Vehicle is stationary to avoid unnecessary vehicle idling, (especially in the vicinity of sensitive areas such as schools, hospitals and residential areas) except in the following circumstances:
- (a) where the Licensed Vehicle is stationary owing to the necessities of traffic – e.g. when vehicles are queuing at traffic signals;
  - (b) where an engine is being run so that a defect can be traced and rectified – e.g. when a defective vehicle is being attended to by a breakdown/recovery agent;
  - (c) for short periods on occasions where the weather conditions are extreme either to operate the Licensed Vehicle's heating or air conditioning.
230. The Driver is required to switch off the vehicle's engine immediately when requested to do so by an Authorised Officer, the Cab Inspector or Constable.

### **Dress Code**

231. The Driver, while in charge of a Licensed Vehicle, shall be clean and tidy in his person and shall wear clothing of a type specified as appropriate in the Dress Code contained in Schedule D to these conditions.

### **Passenger Luggage**

232. All passengers Luggage other than light hand luggage must be stored in the luggage compartment of the Licensed Vehicle. Additional charges for the carrying of luggage may not be made other than in accordance with the current Fare Table.
233. The Driver shall not refuse to carry luggage in the Licensed Vehicle providing that the said Luggage can be accommodated safely within the Luggage compartment of the Licensed Vehicle.

### **Lost Property**

234. Immediately after the completion of his shift, the Driver shall search the Licensed Vehicle of which he is in charge for any property which may have been left therein.
235. Any property found in such Licensed Vehicle by the Driver shall forthwith be returned by the Driver to the owner of the property, or such property shall be handed in by the Driver to any police station in the Licensed Area within 24 hours along with:
- (a) a note of the Licensed Vehicle Driver's name and address;

- (b) the name of the holder of the licence for such Licensed Vehicle;
- (c) the number of the Licensed Vehicle;
- (d) the names and addresses of all Hirers of the Licensed Vehicle during that day so far as known to the Driver which may assist in determining ownership of the property.

### **Electronic Security Systems**

236. A Driver who is driving a Licensed Vehicle with an electronic security system installed in the Licensed Vehicle must ensure that the letter of approval/licence from the Council for the installation is retained at all times within the vehicle and available for inspection by any Authorised Officer, the Cab Inspector or Constable on request.
237. When the Driver is driving a Licensed Vehicle with electronic security system installed in the Licensed Vehicle the additional conditions contained in conditions 75 – 82 will apply.

### **Change of Address / Address for Correspondence**

238. When a Driver changes his permanent address he must:-
- (a) advise the Council of the change to his address within five working days of that change. This may be done by notice to the Licensing Team, The City of Edinburgh Council, City Chambers Business Centre 9:43, 249 High Street, Edinburgh EH1 1YJ or by email to [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk)
  - (b) immediately update his DVLA driving licence with the new address.

### **Suspension of Licence**

239. When an Authorised Officer or Constable suspends the licence of a Licensed Vehicle in accordance with Section 11 of the Act, the Authorised Officer or Constable shall affix a label bearing:
- (a) the words “this hire car is in the meantime certified unfit for public use” and
  - (b) the date of the suspension,
- in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. The Licensed Vehicle cannot be used by any Driver as a Licensed Vehicle until an Authorised Officer is satisfied as to the

safety of the Licensed Vehicle or accuracy of the Taximeter and has removed the label.

240. When a Licence is suspended in accordance with Paragraph 12 of Schedule 1 the Licence Holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.

### **Return of Licence and Identity Card**

241. If the Driver of a Licensed Vehicle ceases for any reason to be authorised by law to drive and their licence ceases to have effect in terms of section 13(6) of the Act then they shall immediately give notice to the Council of their disqualification or such other reason and return their taxi driver's licence and identity card to the Council's Licensing Section at 249 High Street, Edinburgh EH1 1YJ.

### **Medicals**

242. The Driver must have a current certificate of medical fitness to drive a Licensed Vehicle, if required by the DVLA standards in relation to Group 2 Licence Holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate.
243. The Driver who fails to attend for a medical examination after receiving written confirmation of the date of the examination shall be required to pay the appropriate fee for the missed medical before a further medical examination will be arranged.
244. In relation to the cost of all medical examinations, follow up reports and additional tests which may be required in order to assess a Driver's fitness to drive these shall be met by the Council. For the avoidance of doubt, all new applicants for Licences must be certified fit to drive a Licensed Vehicle for a minimum period of twelve months by the Council's appointed medical examiners following a single medical examination.
245. If a Driver suffers from, or is diagnosed with any medical condition which may affect his fitness to drive a Licensed Vehicle he shall immediately report that information to the Council's Licensing Team, City Chambers Business Centre 9:43, 249 High Street, Edinburgh EH1 1YJ within two working days of that information coming to his attention and shall thereafter attend a medical examination within the next 14 days for the purpose of confirming his fitness to drive a Licensed Vehicle.
246. If a Driver requires an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 they shall attend medical examinations as are necessary prior to the issue of such a certificate. An Exemption Certificate shall be valid for the period as indicated by the medical provider and requires to be renewed in conjunction with the Driver's licence.

### **Compliance with Authorised Officer**

247. The Driver of a Licensed Vehicle shall not obstruct an Authorised Officer, the Cab Inspector or Constable in the performance of any of their duties under these conditions.
248. The Driver of a Licensed Vehicle shall comply with all the instructions or directions of an Authorised Officer, the Cab Inspector or Constable in relation to these conditions and shall give all information reasonably required by the officers in the discharge of their duties.

### **Notification of Convictions etc**

249. Where a Driver is:

- (e) charged with any crime or offence of any nature;
- (f) convicted of any crime or offence by any court;
- (g) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines / compensation issued by the Procurator Fiscal or any local authority); and/or
- (h) has his DVLA driving licence endorsed with any offence or penalty;

he must give notice of that to the Council within 10 working days of the date of any of the above being intimated to him.

### **Miscellaneous**

250. The fee for the grant or renewal of a Driver's Licence will be payable in terms of the Council's published table of fees in full on the lodging of the application.
251. The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to his Licence. Where any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Council within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.
252. When a Driver is in charge of a Licensed Vehicle whilst it is undertaking a hire or available for hire the Private Hire Car Driver's Licence conditions in Part V shall apply in place of the Taxi Driver's Licence conditions under this part.

253. If the Driver loses his Licence or identity card or any other document issued to him by the Council, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.
254. When the Driver has given up the activity of driving a Licensed Vehicle, he shall surrender his Licence to the Council as required by Paragraph 13(2)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982.

### **Training**

255. The Driver is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

## **SCHEDULE A**

### **CONDITIONS OF FITNESS OF TAXIS**

For the purposes of the Conditions of Fitness of Taxis within this Schedule A the term Licensed Vehicle will refer only to a taxi.

#### **General Construction**

256. Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval as an M1 vehicle, is purpose built for use as a Licensed Vehicle and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles.
257. All Licensed Vehicles in Edinburgh must be readily wheelchair accessible.
258. The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork properly smoothed down and polished.
259. There must be carried on every Licensed Vehicle:
- (a) A spare wheel fitted with a pneumatic tyre of the same type and size as the other tyres on the vehicle and in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged, or any damaged wheel; and
  - (b) A suitable lifting jack; and

- (c) A suitable wheel brace; and
- (d) ramps and approved restraints for the transportation of wheelchairs which comply with ISO 10542 or any replacement standard.

260. As an alternative to a spare wheel the Council will accept breakdown cover. Evidence that such cover is in place must be produced to the Council.

### **Body**

261. The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver

(a) Outside dimensions:

(i) Subject to the Council's overriding discretion to consider any negative factors such as whether the width deviates from the manufacturer's specification for standard Licensed Vehicles of that type, whether factory options such as wide wheels and tyres have been added, and whether the Licensed Vehicle could safely fit/utilise any Taxi Stance, without the stance being modified, the overall width of the vehicle must not exceed 2 metres.

(ii) The overall length must not exceed 5 metres.

(b) Inside dimensions of the passenger compartment:

(i) The vertical distance between the point of a maximum deflation of the seat cushion when a passenger is seated, to the roof immediately above that point, must not be less than 96.5 centimetres.

(ii) The width across the rear cushion must not be less than 1.07 metres.

262. Any curvature of the floor of the passenger compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and the sills.

263. The door and doorway must be constructed so as to permit an unrestricted opening across the doorway of at least 53 centimetres when the door is opened to its normal limit.

264. The clear height of the doorway must not be less than 1.1 metres.

### **Steps**

265. The top of the tread on the lowest step for any entrance, or where there is no step on the floor level itself at the lowest entrance, must not be more than 38 centimetres above the ground when the vehicle is unladen.

266. Where any step in the Licensed Vehicle is electronically operated, it must be fully retractable, tamper and weather-proof. Any such step must be equipped with sensors and a warning system to alert the driver when the step is extended. This step should

be under the automatic control of the Driver in such a way that it cannot be left extended when the vehicle is moving.

267. All steps, or where there are no steps, the outer edge of the floor at each entrance must be fitted with non-slip treads.

### **Tyres**

268. All tyres at normal pressure under load must be approved as having a suitable circumference for correct operation of the Taximeter.

### **Fuel Tanks**

269. The filling points for all fuel tanks must be accessible only from the outside of the Licensed Vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.

### **Door Fittings**

270. Passenger doors must be capable of being readily opened.
271. Where any Licensed Vehicle has sliding doors, there shall be a clearly visible sign displayed across the top rear of the Licensed Vehicle which will state "Doors Opening" with arrows pointing to the relevant side(s) of the Licensed Vehicle. This sign must illuminate automatically as soon as the doors are unlocked and any sliding door handle is operated.

### **Other Fittings**

272. No fittings other than those approved may be attached to or carried upon the inside or outside of the Licensed Vehicle.
273. No tow bars or roof box should be fitted to the Licensed Vehicle.

### **Locks**

274. All Licensed Vehicles must be fitted with an approved and fully operational door locking system.

### **Windows**

275. Windows must be provided at the sides and rear.
276. Passenger door windows must be capable of being opened easily by passengers except where the Licensed Vehicle has air conditioning fitted and in operation.

### **Glass**

277. The windscreen, all windows and glass partitions (where fitted) must be made of safety glass in accordance with the European Standard in force at the time of approval and be capable of affording an unrestricted view of the vehicle interior. An unrestricted view may permit a tint of up to 25% (+/-2%).

### **Mirrors**

278. Effective driving mirrors must be fitted:
- (a) internally, in the driver's compartment; and
  - (b) externally, on the offside and nearside of the Licensed Vehicle.

### **Visibility**

279. The Licensed Vehicle must be fitted with adequate devices for wiping, de-misting, de-frosting and washing the windscreen and with a sun visor adjustable by the driver.
280. Where a Licensed Vehicle is fitted with rear windscreen wipers and washers, these must be maintained in satisfactory working order.

### **Driver's Compartment**

281. The Driver's compartment must be so designed that the Driver has adequate room and can easily reach and quickly operate the controls and give hand signals to the offside of the vehicle.
282. The controls must be arranged to allow reasonable access to the Driver's seat and, when centrally placed, must be properly protected from contact with Luggage.
283. The Driver's seat must be designed to accommodate the Driver only.
284. An offside door must be fitted to the Driver's compartment.
285. Every Licensed Vehicle must be provided with an approved means of communication between the passenger and the Driver. When a sliding window is fitted at the rear of the driver's compartment, the maximum width of the opening must not exceed 11.5 centimetres

### **Horn**

286. A deep toned horn of approved pattern must be fitted.

### **Electrical Communications Apparatus**

287. Any electrical communication system fitted to a Licensed Vehicle must be in an approved position.

### **Interior Lighting**

288. Adequate lighting must be provided for the passenger compartment and must be capable of being controlled by the passengers and Driver. Adequate lighting must be provided in the Driver's compartment.

### **Heating and Ventilation**

289. An adequate heating and ventilation system must be fitted for the Driver and passengers and the means provided for independent control by the Driver and passengers.

### **Fire Appliances**

290. An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must comply with the requirements relating to Fire Extinguishing Appliances for use on Public Service Vehicles.

### **Passenger Seats**

291. The measurement from the upholstery at the back edge of the seat to the front must be not less than 40 centimetres in the case of the back seat and 35.5 centimetres in the case of the tip-up seat.
292. The width of each tip-up seat must not be less than 40 centimetres.
293. The vertical distance between the highest point of the undeflated seat cushion and the top of the floor covering must not be less than 35.5 centimetres.
294. Tip-up seats must be fitted so that they stow automatically when not in use. They must be symmetrically placed and at least 4 centimetres apart. When not in use, tip-up seats must not obstruct doorways.
295. Suitable means must be provided to assist persons to rise from their seat.

### **Upholstery**

296. Upholstery in the vehicle at the time of initial inspection must be as originally fitted at time of manufacture or of a similar material and design approved by the Council. After approval there must be no subsequent replacement of the upholstery without the further permission of the Council.

### **Luggage**

297. Adequate provision must be made for carrying Luggage and an effective method of securing it must be provided.

### **Fare Table and Notice Holders**

298. A frame or other type of approved holder must be provided for the Fare Table and fitted in an approved position.

### **Advertising**

299. Advertisements may only be displayed in the interior of Licensed Vehicle on the underside of the tip-up seats. Advertisements on the exterior of taxis will be categorised as either door, super-sides or full livery. Door advertisements may only be fitted to the lower panels of the front and rear doors. No material may be placed on any glass including the dividing glass partition, other than notices approved by the Council
300. Materials used for advertisements must be made of a quality not easily defaced or detached. Advertisements must be affixed directly to the body of the Licensed Vehicle, no magnetic, paper based materials or water soluble adhesive paste shall be used.

301. Interior advertisements on the underside of the tip-up seats must be encapsulated in clear non-flammable plastic.
302. Advertisements are not required to be approved by the Council. However, advertisements should not contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; be likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.

## **SCHEDULE B**

### **CONDITIONS OF FITNESS OF PRIVATE HIRE CARS**

For the purposes of the Conditions of Fitness of Private Hire Cars within this Schedule B the term Licensed Vehicle will refer only to a Private Hire Car.

#### **General Construction**

303. Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Community Whole Vehicle Type Approval, and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles, in force at the time of licensing.
304. The Licensed Vehicle, including all bodywork, upholstery and fittings must be in good and serviceable condition.
305. The Licensed Vehicle must be of suitable size and design so that it is capable of withstanding the loads and stresses likely to be met within service.
306. The Licensed Vehicle must have an engine capacity with a 'Power to Weight' ratio equal to or greater than 0.0648 hp per kg.
307. The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork properly smoothed down and polished. As an alternative to paintwork, a single colour vinyl wrap may be applied and the materials used must be of a quality not easily defaced or detached. Where a Licensed Vehicle is finished in this way it shall not be used as a Licensed Vehicle until the final finish has been examined and approved by the Taxi Examination Centre.
308. The Licensed Vehicle must have not less than 4 wheels.
309. There must be carried on every Licensed Vehicle:

- (a) A spare wheel fitted with a pneumatic tyre of the same type and size as the other tyres on the vehicle and in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged, or any damaged wheel; and
- (b) A suitable lifting jack; and
- (c) A suitable wheel brace; and

310. As an alternative to a spare wheel the Council will accept breakdown cover. Evidence that such cover is in place must be produced to the Council.

### **Electrical Propulsion**

311. Subject to inspection and testing by the Taxi Examination Centre, Private Hire Cars may use electricity as a means of propulsion including its use within any hybrid engine.

### **Steering**

312. The steering wheel must be on the offside of the vehicle.

313. The steering mechanism must be so constructed or arranged that no overlock is possible and that the road wheels do not in any circumstances foul any part of the vehicle.

314. The steering arms and connections must be of adequate strength and so far as possible protected from possible damage by collision.

### **Fuel Tanks**

315. The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.

### **Door Fittings**

316. A Licensed Vehicle must have at least 4 doors excluding any doors at the rear of the vehicle.

317. Passenger doors must be capable of being readily opened.

318. The doors and doorways must be of such construction so as to permit a reasonably unrestricted access for passengers.

### **Other Fittings**

319. No fittings other than those approved may be attached to or carried upon the inside or outside of the private hire car.

320. No tow bars or roof boxes should be fitted to the Licensed Vehicle.

### **Windows**

321. Windows must be provided at the sides and rear.
322. At least one rear passenger window must be capable of being opened easily by passengers except where the Licensed Vehicle has air conditioning fitted and in operation.

### **Glass**

323. The windscreen, all windows and glass partitions (where fitted) must be made of safety glass in accordance with the European Standard in force at the time of approval and be capable of affording an unrestricted view of the vehicle interior. An unrestricted view may permit a tint of up to 25% (+/-2%).

### **Mirrors**

324. Effective driving mirrors must be fitted:
- (a) internally, in the driver's compartment and
  - (b) externally, on the offside and nearside of the Licensed Vehicle.

### **Visibility**

325. The Licensed Vehicle must be fitted with adequate devices for wiping, de-misting, de-frosting and washing the windscreen and with a sun visor adjustable by the Driver.
326. Where a Licensed Vehicle is fitted with rear windscreen wipers and washers, these must be maintained in satisfactory working order.

### **Electrical Communications Apparatus**

327. Any electrical communication system fitted to a Licensed Vehicle must be in an approved position.

### **Interior Lighting**

328. Adequate lighting must be provided in the Licensed Vehicle.

### **Heating and Ventilation**

329. An adequate heating and ventilation system must be fitted for the Driver and for the passengers.

### **Fire Appliances**

330. An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must comply with the requirements relating to Fire Extinguishing Appliances for use on Public Service Vehicle.

### **Electrical Equipment**

331. All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
332. All electrical circuits must be protected by suitable fuses.

### **Seating**

- 333. The Licensed Vehicle must have seats for not less than 4 people including the driver.
- 334. The width across the rear seat cushion must not be less than 1.07 metres.

### **Upholstery**

- 335. Upholstery in the Licensed Vehicle at the time of initial inspection must be as originally fitted at time of manufacture or of a similar material and design, approved by the Council. After approval there must be no subsequent replacement of the upholstery without the further permission of the Council.

### **Luggage**

- 336. Adequate provision must be made for carrying Luggage and an effective method of securing it must be provided.

### **Fare Table and Notice Holders**

- 337. Where a taximeter is fitted, a frame or other type of approved holder must be provided for the Fare Table and fitted in an approved position.

### **Advertising**

- 338. No Advertisements may be displayed on the interior or exterior of the Licensed Vehicle. The Licence Holder of a Licensed Vehicle shall be permitted to apply to the Council for an exemption to this condition for permission to advertise his own business on the exterior of the Licensed Vehicle. This shall take the form of a sign indicating the name of the business and the telephone number in the format approved by the Council. No magnetic panels, paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the Licensed Vehicle.

## SCHEDULE C

### CONDITIONS OF FITNESS OF SPECIAL EVENT PRIVATE HIRE CARS

#### General

339. Except so far as varied by the conditions in this schedule, conditions 53 to 106 both inclusive and the contents of Schedule B of the foregoing Licensing Conditions for Taxis, Private Hire Care, Taxi Drivers and Private Hire Car Drivers will apply to Special Event Private Hire Cars.
340. a) All brakes and machinery must be kept in good order and condition
- b) The Special Event Private Hire Cars must carry at all times a serviceable spare wheel and tyre, together with the proper tools and equipment to change the wheel in the event of a tyre becoming defective;
- c) All tyres (including the spare) must be suitable for the Special Event Private Hire Car;
- d) No alteration or change in the specification, design, condition or appearance of the Special Event Private Hire Car shall be made without the written approval of the Council.
341. Should a Special Event Private Hire Car fail to complete a journey for any cause whatsoever, the circumstances and cause of the stoppage shall be reported to the Council or the Taxi Examination Centre, Murrayburn Road, by the end of the next working day.
342. No Licence Holder shall part with or lend the Special Event Plates issued in respect of a Special Event Private Hire Car to any other person.

#### Insurance

343. The Licence Holder shall ensure that at all times there is in force a certificate of insurance or a current and valid cover note for the Special Event Private Hire Car, in which the licence holder is stated to be the policy holder and which:
- a) Covers all Drivers of the Special Event Private Hire Car;
- b) States the vehicle type and all uses to which the all Drivers of the Special Event Private Hire Car will be put; and
- c) Includes:
- (i) Unlimited indemnity for injury and death to passengers and other third parties;
- (ii) Indemnity of at least £250,000 for damage to third party property – other than that being carried in or on the insured vehicle;

- (iii) Cover of up to at least £200 for damage to property belonging to persons being carried in the insured vehicle

### **Display of Plates and Other Signage**

344. Conditions 53 to 106 of the standard conditions shall be read so as to conform with the following provisions *mutatis mutandis*:
- a) On a vehicle being licensed as a Special Event Private Hire Car, a number shall be allotted to it by the Council and the approved external and internal plates (hereinafter referred to as the “Special Event Plates”) bearing such number shall be supplied to the licence holder by the Council. The licence holder shall ensure that the plates are immediately affixed to the Special Event Private Hire Car in positions and brackets approved by the Council or Authorised Officer, and the Special Event Private Hire Car shall not be used for hire until the plates are properly affixed.
  - b) The licence holder shall affix to the vehicle, in positions and brackets approved by the Council:
    - (a) a Special Event external plate on the rear of the Special Event Private Hire Car; and
    - (b) a Special Event internal plate on the inside of the Special Event Private Hire Car in a conspicuous position clearly visible to all passengers.
  - c) If the letters or figures on any Special Event Plates affixed to a Special Event Private Hire Car become obliterated or defaced so as not to be distinctly visible or legible, or any Special Event Plate is lost, the licence holder shall forthwith obtain from the Council a replacement Special Event Plate.
  - d) Except as otherwise provided for in these conditions the Licence Holder shall not, without the consent of the Council, fix or permit to be fixed on their Special Event Private Hire Car any plate other than the Special Event Plates or other plate or notice required by law.
  - e) The Licence Holder of a Special Event Private Hire Car licence shall ensure that a sticker detailing the Council’s complaints procedure is displayed in the vehicle. The sticker must be attached to the top of the window of the near-side passenger door so that it may be read by passengers travelling in the Special Event Private Hire Car.

### **Passengers**

345. The licence holder shall not permit the said vehicle to be used to carry a greater number of passengers than the number stated on the Special Event Plate.

346. The licence holder shall not allow any passengers to be conveyed in the front seats of the said vehicle

### **Animals**

347. Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall, when necessary, be contained so as not to present a nuisance or hazard to the occupants of the vehicle.

### **Upholstery and Seatbelts**

348. The seats shall be covered with leather or other appropriate materials and must be properly upholstered and in good condition, free from rips, tears and holes.
349. The fittings and furniture in the Special Event Private Hire Car must be kept in a clean condition and well maintained.
350. Seat Belts shall be provided for every passenger the Special Event Private Hire Car is licensed to carry.

### **Glass**

351. The requirement of condition 323 that glass must afford an unrestricted view of the vehicle interior, will apply only to the windscreen and front door windows of Special Event Private Hire Cars. An unrestricted view may permit a tint of up to 25% (+/-2%).

### **Fire Extinguishers**

352. The Special Event Private Hire Car must be fitted with two portable type fire extinguishers which conform to European Standard EN3. One extinguisher shall be mounted on brackets in a convenient position in the driver's compartment, if practicable. The other extinguisher shall be mounted on brackets in a convenient position within the boot of the vehicle.

### **Radios**

353. The licence holder shall not at any time use or permit to be used in the Special Event Private Hire Car a radio scanner or citizen band radio.

### **Convictions**

354. The Licence Holder shall give notice to the Council of the details of any conviction imposed whilst the licence is in force, within seven days of conviction.

### **Change of Address / Address for Correspondence**

355. When a driver changes his permanent address he must:-

- a) advise the Council of the change to his address within five working days of that change. This may be done by notice to the Licensing Team, The City of Edinburgh Council, City Chambers Business Centre 9:43, 249 High Street, Edinburgh EH1 1YJ or by email to [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk)
- b) immediately update his DVLA driving licence with the new address.

### **Return of Licence and Plates**

356. Where a Special Event Private Hire Car ceases to be used as such the Licence Holder shall give immediate notice to the Council and return to the Council the licence in respect of their Special Event Private Hire Car, along with the Special Event Plates, within seven days

## **SCHEDULE D**

### **CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

#### **TAXI AND PRIVATE HIRE CAR DRIVER DRESS CODE**

All Drivers must comply with the following dress code while in charge of a taxi or private hire car -

- (a) appropriate dress -
- shirt or polo shirt with collar, blouse/skirt/dress with either short or long sleeves
  - Smart full length trousers
  - Shoes or boots.
- (b) inappropriate dress
- tracksuits
  - denim type jeans/shorts/jogging trousers/three-quarter length trousers
  - vests/ t-shirts/sportswear with club colours
  - baseball caps or other sports hats
  - trainers/sandals



# Regulatory Committee

10.00, Monday, 21 November 2016

## Access to Taxis by Customers using Wheelchairs - Update

Item number	6.5
Report number	
Executive/routine	Executive
Wards	All

### Executive Summary

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The Council, as the licensing authority, is fully committed to ensuring that licensed taxis are able to accommodate customers using wheelchairs and that licensed taxi drivers provide reasonable assistance to these customers to enable them to access the vehicle.

In the past the Council has received complaints regarding a lack of assistance from taxi drivers and instances of missing equipment or faulty fittings which has prevented access to taxis by wheelchair users.

This report provides details of the progress made in respect of the actions arising from the plan agreed at the Regulatory Committee's meetings in June 2015 and again in February 2016.

### Links

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Coalition Pledges	<a href="#">P28</a>
Council Priorities	<a href="#">CP8</a>
Single Outcome Agreement	<a href="#">SO1 &amp; SO2</a>

## Access to Taxis by Customers using Wheelchairs - Update

### 1. Recommendations

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It is recommended that the Committee:

- 1.1 Notes the progress of this report;
- 1.2 agrees to receive further updates concerning wheelchair accessibility and assistance as part of the ongoing development of taxi driver training and taxi licence conditions; and
- 1.3 discharges the outstanding remit from 1 February 2016.

### 2. Background

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- 2.1 All vehicles licensed as taxis by the City of Edinburgh Council (the Council) must be wheelchair accessible. The current licence conditions require taxi drivers to assist customers using wheelchairs into the taxi, using ramps if necessary, and ensure that they are properly secured by means of appropriate straps and the seatbelts before commencing a journey. Prior to the grant of a Taxi Driver's Licence applicants are required to undertake a module of training on 'Wheelchair Access and Disability Awareness'.
- 2.2 The Council has previously received complaints from customers using wheelchairs who have been denied taxi travel within the city. Similar concerns were raised by some equalities groups within the city.
- 2.3 In June 2015 the Committee agreed to consult on the development of a 'fit for purpose' training programme that meets the needs of a modern taxi service for the capital city. It is proposed to introduce a range of measures including refresher training for drivers, at the point of renewal of their licence, which will include a module covering 'Passenger Assistance and Disability Awareness'. The outcome of the consultation is the subject of a separate report to this Committee.
- 2.4 The Committee previously approved a plan of action in Feb 2016 (Appendix 1) to address the concerns identified through the investigation of complaints regarding access to and use of taxis by wheelchair users.
- 2.5 This report gives details of the progress of the actions taken to address the issues. The report does not deal with any aspect of the licensing of private hire cars (PHCs) or PHC drivers, as the types of vehicles permitted for use as PHCs are not

generally capable of being wheelchair accessible, nor is there any licence condition requiring such accessibility. There is a small number of PHCs capable of carrying a wheelchair passenger, and these vehicles are subject to specific Council conditions.

### 3. Main report

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- 3.1 The Council is fully committed to ensuring that all taxi services are fully accessible. Licensing conditions require vehicles licensed as taxis to be wheelchair accessible. This means that all taxis must be fitted with ramps and other appropriate fittings to secure a wheelchair and passenger, and that the fittings remain in good working order at all times. Doors must be wide enough to allow access by a wheelchair, with fixtures in place to accommodate the wheelchair and to safely anchor it within the vehicle.
- 3.2 Drivers are required to assist customers using wheelchairs and to secure wheelchairs within the vehicle. The driver should also facilitate and assist any accompanying carer to use the equipment.
- 3.3 Should a driver have a medical condition preventing them from assisting wheelchair passengers, a medical Certificate of Exemption from the licence condition is available. Such exemptions are granted following examination by, and on the advice of, the Council's medical advisor. Such a Certificate of Exemption must be displayed on the vehicle when driven by the holder. The exemption is reviewed on renewal of the holder's licence - or more frequently, based on any advice from the medical advisor. A total of 224 drivers are currently medically exempt from assisting customers using wheelchairs.
- 3.4 As a result of complaints from service users and representations by equalities groups regarding wheelchair accessibility to taxis, an action plan was formulated and agreed by the Committee on 23 June 2015. The plan proposed a series of actions, including:
- Raising general awareness of Council policy;
  - Holding focus groups with third sector partners and clients;
  - An audit of exemption certificates held by licence holders;
  - A review of relevant issues as part of the refresh of the driver training programme;
  - Analysis of the number of taxis failing their annual test due to wheelchair accessibility defects; and
  - A campaign of enforcement activity.
- 3.5 The Committee received an update report on 1 February 2016 reporting the following actions:

- Correspondence to all licence holders raising the profile and awareness of the relevant licence conditions and policy;
- Meetings with trade representatives and managers responsible for customer care and standards;
- A meeting with trade representatives and London Taxis International Ltd to address perceived issues concerning loading and unloading electrically operated wheelchairs;
- Review of all Certificates of Exemption held, and review of medical examination process;
- Review of the training requirement in respect of issues affecting disability access (this was the subject of a separate report in Sept 2016 on all aspects of training to the Committee).
- Review of the conditions relating to taxi and taxi driver's licences, which included proposals for additional conditions to ensure functionality of equipment and licence holder compliance with relevant conditions in respect of passengers using wheelchairs (this was the subject of a separate report to the Committee);
- Enforcement campaigns including routine roadside inspections and spot checks for accessibility compliance.
- Amendment to data recording methods regarding vehicles failing inspection due to wheelchair accessibility equipment.

3.6 As was reported to the Committee on 1 February 2016, Freedom of Information requests were received in August and September 2015 from groups representing persons with visual impairment. The requests were for information regarding complaints concerning licensed hire car drivers refusing to transport assistance dogs, in breach of the licence conditions. Only one such complaint had been received in the preceding three years, however these information requests indicated a concern about the matter within those groups.

3.7 In relation to wheelchair accessibility and assistance dogs, the following future actions were agreed by the Committee on 1 February 2016:

- That the enforcement campaign will be continued during both annual vehicle inspections and roadside enforcement checks by Council vehicle examiners, and that relevant information is collated to measure compliance;
- The Complaints Officer will continue to investigate reports of breach of licence conditions - referring licence holders to the Licensing Sub-Committee, where appropriate, for consideration of suspension of licence;
- A tender is issued for a contract for test purchasing exercises and procurement of a service provider or providers deploying a customer using a wheelchair and requiring assistance to access a taxi, and a customer accompanied by an assistance dog, and reporting thereon;



passengers using wheelchairs. Both of these matters are the subject of separate reports to the Committee. The consultations have included persons with disability together with groups representing them, and representations have been received on behalf of both individuals and groups. Focus groups have still to be facilitated and this will be urgently addressed.

#### **4. Measures of success**

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- 4.1 That taxis continue to be licensed appropriately and the Council discharges its statutory duties.
- 4.2 That there is appropriate access to taxis for passengers requiring wheelchair assistance.

#### **5. Financial impact**

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- 5.1 There is no direct financial impact on the Council. All costs are contained within existing budgets.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 Prior to the grant of a Wheelchair Exemption Certificate (WEC) taxi drivers must provide medical evidence from their own doctor of why they are unfit. The driver would then be referred to the Council's medical advisor for examination. Should the Committee refuse to grant a WEC, this could go against medical advice.
- 6.2 Where the Committee determines not to grant a medical exemption, the applicant may appeal to the Sheriff within 28 days of the decision.
- 6.3 The Council has a number of contracts with service providers that rely on the availability of suitable transport for disabled and/or elderly passengers. Any change to policy could have a direct impact upon such provision.
- 6.4 The development of policy in respect of licensing of taxis is part of a wider policy-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the Taxi Licensing Policy is consistent with these aims.

#### **7. Equalities impact**

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- 7.1 An EIRA has been developed and following consultation any impacts, direct or otherwise, on any group of people with one or more protected characteristics, will be reported to the Committee.
- 7.2 Steps to ensure the adequate transport of disabled passengers are directly relevant to the public sector general equality duty.

- 7.3 The Committee has to ensure that any policy decisions on this topic do not have an adverse effect on the availability of transport for disabled or elderly persons. However, it is also important that all passengers are transported safely, and the Committee must balance these rights against the rights and well-being of taxi drivers.

## 8. Sustainability impact

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- 8.1 There is no environmental impact arising from the contents of this report.

## 9. Consultation and engagement

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- 9.1 Consultation has taken place with licence holders, trade representatives, disability groups and interested members of the public and is included in reports to the Regulatory Committee regarding the Taxi & Private Hire Car Licensing Conditions and the Taxi & Private Hire Car Driver Training Programme.

## 10. Background reading/external references

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- 10.1 [Regulatory Committee Report - Access to Taxis by Wheelchair Customers](#)
- 10.2 [Regulatory Committee Report – Access to Taxis by Customers using Wheelchairs or Customers accompanied by Assistance Dogs - Update](#)

### Paul Lawrence

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## 11. Links

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<b>Coalition Pledges</b>	<b>P28</b> - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
<b>Council Priorities</b>	<b>CP8</b> – A vibrant, sustainable local economy
<b>Single Outcome Agreement</b>	<b>SO1</b> – Edinburgh’s economy delivers increased investment, jobs and opportunities for all <b>SO2</b> – Edinburgh’s Citizens experience improved health and wellbeing, with reduced inequalities in health
<b>Appendix 1</b>	Action Plan

## Appendix 1

### Action Plan Action

	Description	Timescales
1. Issue press statement	Draft press statement which covers main points of conditions and commits to a public review of the situation Encourage affected customers to come forward by providing information concerning the complaints process to equalities and disability groups via press statements and during focus group meetings (see 4 below).	Complete 31 March 2016
2. Raising general awareness of council policy	Letter to all drivers and operators and engage with main operators at a meeting to discuss Council's view on current conditions and standard of conduct.	Complete
3. Arrange focus groups with 3 <sup>rd</sup> sector partners and clients	Sessions to receive feedback on the access to taxis which would inform items 4 and 5 below. e.g. ECAS	31 March 2016
4. Audit Number of wheelchair exemptions in existence	Number, on average how long they are in effect. Review existing policy and practice for issuing medical exemption certificates Consider tightening of policy to make more robust and transparent. Possible review of long term certificate. Report to Regulatory Committee as required.	Complete Complete Complete Report attached
5. Review relevant issues as part of the refresh of the Taxi Driver training programme	Included within current workplan.	Ongoing. This is subject of a separate report to this Committee.

6. Analysis of number of taxis failing annual test due to lack of wheelchair accessibility	Paper examination of records to see if any evidence of problem.	Complete
7. Campaign of Enforcement Activity	<p>a) Spot checks taxis in operations (Any found not to be fully serviceable re accessibility will be put off road).</p> <p>b) Check on display of certificates (Any found not found to be displaying certificates will firstly receive a written warning and thereafter be reported to committee)</p> <p>c) Consider feasibility of test purchase to test drivers particularly out of hours.</p>	<p>Campaign June and July 2015</p> <p>Results attached in report. To be taken forward in 2016. See para. 3.</p>

# Regulatory Committee

10.00, Monday, 21 November 2016

## Age Limitation of Taxis and Private Hire Cars - Feasibility Report

Item number	6.6
Report number	
Executive/routine	Routine
Wards	All

### Executive Summary

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This report provides the Committee with information on the feasibility and means of introducing a maximum age limit for taxis and private hire cars licensed by the City of Edinburgh Council.

This report is in a response to a motion submitted by Councillor Burgess and agreed at the Committee's meeting in June 2016.

### Links

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Coalition Pledges	<a href="#">P28</a>
Council Priorities	<a href="#">CP8</a>
Single Outcome Agreement	<a href="#">SO1 &amp; SO2</a>

## Age Limitation of Taxis and Private Hire Cars – Feasibility Report

### 1. Recommendations

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It is recommended that the Committee:

- 1.1 notes the contents of this report;
- 1.2 agrees in principle that conditions of licences will be altered to improve the air quality in the city by reducing emissions from Taxis and Private Hire Cars and to consult on options to achieve that by either
  - 1.2.1 introducing an age limitation in respect of taxis and private hire cars, or
  - 1.2.2 increasing incrementally the minimum emissions standards for the engines in these vehicles, which would improve emissions standards; and
- 1.3 instructs the Executive Director of Place to consult with the relevant officers, the public and the taxi trade and to report back to the Committee in six months' time.

### 2. Background

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- 2.1 The licensing of taxis and Private Hire Cars (PHCs) is an optional activity within the Civic Government (Scotland) Act 1982 ('the Act'). The Council, by way of resolution, exercised its powers to license these activities in 1983.
- 2.2 At the meeting of the Regulatory Committee on 24 June 2016, the Committee approved a motion by Councillor Burgess as follows:
  - Edinburgh has a large fleet of taxis and PHCs;
  - these vehicles contribute to air pollution, air quality is poor in some areas of the city and that the age of a vehicle may be a contributory factor to the pollution it emits;
  - other local authorities require taxis and PHCs to be below a certain age, but there is currently no limit to the age of taxis or PHCs in Edinburgh and;
  - calling for a report on the feasibility of introducing a maximum age limit for taxis and PHCs in the city.
- 2.3 In terms of the Act, when granting or renewing a licence, in addition to any mandatory or standard conditions to which the licence is subject, the licensing authority may (a) disapply or vary any standard conditions so far as is applicable to the licence; and

- 2.4 (b) impose conditions. The conditions shall be such reasonable conditions as the licensing authority thinks fit. However additional conditions will have no effect in so far as they are inconsistent with any mandatory condition to which the licence is subject.
- 2.5 There are currently 1316 taxis and 1381 private hire cars licensed by the Council. (figures correct at 3 October 2016). The Council restricts the number of taxi licences issued, but cannot limit the number of PHC licences. Members are asked to note that this position will change on 1 May 2017, when an amendment of the Act takes place. From this point the Council could, if it chooses, begin the process of adopting a such a policy.
- 2.6 In terms of Council policy, taxis are required to comply with the 'General Construction Licensing Conditions Schedule A – Conditions of Fitness of Taxis', while PHCs are required to comply with the 'General Construction Licensing Conditions Schedule B – Conditions of Fitness of Private Hire Cars' (Appendices 1 and 2). These licensing conditions do not currently limit the age of taxis or PHCs.

### 3. Main report

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#### **Current common practice and guidance**

- 3.1 A number of other licensing authorities currently restrict the maximum age of a vehicle for which a taxi or PHC licence can be granted (Appendix 3).
- 3.2 The 'Taxi and Private Hire Car Licensing: Best Practice Guidance for Licensing Authorities Second Edition, April 2012' ('the Guidance'), issued by Scottish Government, states that the setting of an age limit beyond which a local authority will not license vehicles is somewhat arbitrary and disproportionate, particularly as it is perfectly possible for a well-maintained older vehicle to be in good condition. The guidance also suggests that a greater frequency of testing may, however, be appropriate for vehicles more than five years old.
- 3.3 The Guidance recommends annual testing as best practice for licensed vehicles regardless of age, with more frequent testing being appropriate for older vehicles. It further notes that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test.

#### **Emissions standards**

- 3.4 Cars and commercial vehicles sold in Europe are subject to strict limits on the emission of tailpipe pollutants. Referred to as 'Euro' standards, these were introduced in 1992 with the Euro 1 emission standards. Progressively tighter emissions standards were introduced regularly thereafter (Appendix 4).
- 3.5 The latest Euro 6 standard (which applies to all new vehicles first registered from September 2015) reduces limits on tailpipe pollutant emissions by 96% compared to the 1992 limits.
- 3.6 While ensuring that the vehicle meets the standards appropriate to its age, the practice of more frequent testing for older vehicles does not improve the tailpipe

emissions standards of the vehicle. Additional capacity in staff and appointment slots would be required to enable the Taxi Examination Centre to undertake increased levels of such testing.

### 3.7 Current fleet:

<b>Standard</b>	<b>Applicable from</b>	<b>No. licensed taxis</b>	<b>No. licensed PHCs</b>
Euro 6/Euro 5	Euro 6 – Sept 2015 Euro 5 – Jan 2011	613	582
Euro 4	January 2006	385	748
Euro 3	January 2001	180	51
Euro 2	January 1997	138	-

- 3.8 In the fleet of 1,316 licensed taxis, there are 927 vehicles up to and including 10 years of age (70%). Of the remaining 389 vehicles, 184 are between 11 and 15 years old (14%) and 205 vehicles in excess of 15 years of age (16%).
- 3.9 Officers understand that, outwith London, Edinburgh is consistently the city with the highest sales of new taxis by the London Taxi Company. However, within the city a market also exists for older vehicles, sales of which are restricted in other licensing authority areas due to these authorities' age limitation conditions and policies.
- 3.10 This highlights a risk that if no action is taken then Edinburgh will become a prime marketplace for these older vehicles.
- 3.11 There are currently 1,381 PHCs licensed by the Council, and new applications continue to be received. For the first time, the number of licensed PHCs has exceeded the number of licensed taxis this year. Paragraph 2.5 above outlines the current and future position in relation to powers to limit the number of PHCs in the city.
- 3.12 A year by year breakdown of the age of the taxi and PHC fleet is provided at Appendix 5.
- 3.13 As required by Council policy vehicles licensed as taxis require to be purpose-built, indicative costs of new and used taxis are included in Appendix 6. There are therefore cost implications for operators associated with the introduction of an age limitation for licensed taxis.
- 3.14 There are no restrictions on the make or model of a PHC, provided the vehicles comply with the Council's Licence Conditions of Fitness – Schedule B (Appendix 2) therefore cost comparison is not viable. Costs associated with the purchase of a suitable vehicle for PHC licensing can be lower than those for a taxi.

### **Air Quality assessment**

- 3.15 Each local authority in the UK is obliged to carry out continual assessment of air quality in its area by measuring air pollution, in an attempt to predict how it will change in coming years. This is to ensure that the UK air quality objectives (AQO)

will be achieved by the relevant deadlines. If the assessment process identifies areas which fail to meet the objectives, an Air Quality Management Area (AQMA) must be declared.

3.16 AQMAs have been declared at five areas in Edinburgh:

- City centre
- St John's Road (Corstorphine)
- Great Junction Street (Leith)
- Glasgow Road (A8) at Ratho Station
- Inverleith Row/Ferry Road

3.17 The Council's Sustainable Energy Action Plan (SEAP) aims to reduce carbon emissions across the city by 42% by 2020. Transport emissions in the city accounted for 21% of all emissions in 2012. The Sustainable Transport programme within the SEAP aims to support the work of the Council's Local Transport Strategy 2014 – 19 by developing initiatives specifically aimed at reducing carbon emissions from transport. The SEAP aims to substantially increase the number of low emission vehicles in the city.

### **Suggested Options**

3.18 There are two options which should improve emissions standards and these are set out below.

- restrict the age of the licensed vehicle at the time of grant or renewal of a licence;
  - require all licensed vehicles to meet a specific 'Euro' standard in respect of tailpipe pollutant emissions at the time of licensing or licence renewal; or
- These restrictions could also be imposed by the introduction of an appropriate policy and be achieved by the introduction of a condition of licence.

3.19 The introduction of an age limitation in respect of vehicles licensed as taxis and PHCs in the city would:

- help reduce the emissions of tailpipe pollutants by removing older vehicles from service;
- contribute to the achievement of national air quality objectives;
- improve the standard of vehicles, leading to efficiencies in the inspection and enforcement regimes and compliance with conditions of fitness
- improve the physical standard of vehicles and thereby the customer experience; and
- promote the City of Edinburgh Council's commitment to the reduction of carbon emissions from transport and its Local Transport Strategy 2014/19.

It would, however, require operators to entirely replace vehicles which no longer met the age requirements, and therefore would be costly to the trade.

- 3.20 An alternative proposal would be to phase out certain vehicles by means of the introduction of a licensing condition requiring compliance incrementally with progressively higher emission standards e.g. phase out Euro 2 engined vehicles followed by Euro 3 etc.
- 3.21 The introduction of a requirement to progressively increase emission standards of vehicles licensed as taxis and PHCs in the city would:
- help reduce the emissions of tailpipe pollutants by removing older engines from service;
  - contribute to the achievement of national air quality objectives;
  - improve the standard of vehicles leading to efficiencies in the inspection and enforcement regimes and compliance with conditions of fitness
  - promote the City of Edinburgh Council's commitment to the reduction of carbon emissions from transport and its Local Transport Strategy 2014/19
- 3.22 A further option was considered to allow the trade to seek to re-engine the vehicle, which might limit the costs incurred. It would, however, mean that the possibility of improving the physical quality of the fleet was not a given. This has not been put forward as an option, as officers at the Taxi Examination Centre advise that it is in theory possible to re-engine, but the design of different vehicles and engines is such that it is likely to make this option cost-prohibitive. Should the consultation indicate support for this approach, it could be considered on a case-by-case basis as an alternative way to show compliance with the policy.

## **4. Measures of success**

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- 4.1 This measure has potential to contribute towards the Council meeting its statutory duties in respect of Air Quality Standards within the city.

## **5. Financial impact**

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- 5.1 None arising directly from this report. The Council's scale of fees for licensing applications was approved with effect from 1 April 2016. Any costs from implementing policy changes will be contained within the current ring-fenced income generated from licensing fees.
- 5.2 Costs to the trade of upgrading vehicles where necessary will be met by the individual licence holders.

## 6. Risk, policy, compliance and governance impact

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- 6.1 The development of policy in respect of the licensing of taxis and PHCs is part of a wider policy-making role for the Council. It is essential that all the strategic aims of the Council are considered and that where appropriate the Taxi and PHC Licensing Policy is consistent with these aims.

## 7. Equalities impact

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- 7.1 An ERIA has been developed, and following consultation any impacts, direct or otherwise, on any group of people with one or more of the protected characteristics, will be reported to the Committee.

## 8. Sustainability impact

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- 8.1 This will reduce the carbon footprint of the taxi and PHC trade within the city.

## 9. Consultation and engagement

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- 9.1 Consultation will take place with the public and hire car trade representatives to include the wider business and residential community, relevant partners and agencies.
- 9.2 At a meeting of 4 October 2016 the taxi and PHC trade consultation group discussed this matter and were asked to submit proposals.

## 10. Background reading/external references

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- 10.1 [ULEV feasibility Report](#)
- 10.2 [Taxi and Private Hire Car Licensing: Best Practice Guidance for Licensing Authorities, Second Edition, April 2012](#)

### **Paul Lawrence**

Executive Director of Place

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## 11. Links

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<b>Coalition Pledges</b>	<b>P28</b> - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
<b>Council Priorities</b>	<b>CP8</b> – A vibrant, sustainable local economy
<b>Single Outcome Agreement</b>	<b>SO1</b> – Edinburgh’s economy delivers increased investment, jobs and opportunities for all <b>SO2</b> – Edinburgh’s Citizens experience improved health and wellbeing, with reduced inequalities in health
<b>Appendices</b>	Appendix 1: Licence Conditions Schedule A – Fitness of Taxis Appendix 2: Licence Conditions Schedule B – Fitness of PHCs Appendix 3: Summary of Local Authority Vehicle Age Limitations Appendix 4: Summary – Euro Emissions Standards Appendix 5: Licensed Hire Car Fleet – Breakdown of Age Appendix 6: Summary of Cost of Taxi Vehicles

## Appendix 1- Extract of Taxi Licence Conditions

### SCHEDULE A

#### CONDITIONS OF FITNESS OF TAXIS

##### General Construction

- 184 Taxis in Edinburgh must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval as an M1 vehicle, is purpose built for use as a taxi and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles.
- 185 All taxis in Edinburgh must be readily wheelchair accessible.
- 186 The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork properly smoothed down and polished.
- 187 There must be carried on every vehicle:
- (a) A spare wheel fitted with a pneumatic tyre of the same type and size as the other tyres on the vehicle and in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged, or any damaged wheel; and
  - (b) A suitable lifting jack; and
  - (c) A suitable wheel brace.
- 186 As an alternative to a spare wheel the Council will accept breakdown cover. Evidence that such cover is in place must be produced to the Council or Cab Inspector.
- 202A Subject to inspection and testing by the Taxi Examination Centre, taxis may use electricity as a means of propulsion including its use with any hybrid engine.

## Appendix 2 – Extract of Private Hire Car Licence Conditions

### SCHEDULE B

#### CONDITIONS OF FITNESS OF PRIVATE HIRE CARS

##### General Construction

- 241 Every private hire car must comply in all respects with the requirements of any Acts or Regulations relating to motor vehicles in force at the time of licensing.
- 242 The vehicle, including all bodywork, upholstery and fittings must be in good and serviceable condition.
- 243 The vehicle must be of suitable size and design so that it is capable of withstanding the loads and stresses likely to be met within service.
- 244 The vehicle must have an engine capacity with a 'power to weight' ratio equal to or greater than 0.0648 hp per kg.
- 245 The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork properly smoothed down and polished. As an alternative to paintwork, a single colour vinyl wrap may be applied and the materials used must be of a quality not easily defaced or detached. Where a vehicle is finished in this way it shall not be used as a private hire car until the final finish has been examined and approved by the Cab Inspector.
- 246 The vehicle must have not less than 4 wheels.
- 247 There must be carried on every vehicle:
- (a) A spare wheel fitted with a pneumatic tyre of the same type and size as the other tyres on the vehicle or a vehicle manufacturer's supplied space saver spare wheel in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged, or any damaged wheel; and
  - (b) A suitable lifting jack; and
  - (c) A suitable wheel brace.
- 248 As an alternative to a spare wheel the Council will accept breakdown cover. Evidence that such cover is in place must be produced to the Cab Inspector or Authorised Officer.
- 256A Subject to inspection and testing by the Taxi Examination Centre, Private Hire Cars may use electricity as a means of propulsion including its use within any hybrid engine.

## **Appendix 3: Summary of Local Authority Vehicle Age Limitations**

### **Example Scottish licensing authorities operating taxi/PHC vehicle age limitation**

#### **Aberdeen City Council**

- Accessible taxi vehicles must be 10 years old or less at first licensing and at substitution. All other taxi vehicles must be 5 years old or less at substitution.
- Private hire car vehicles must be 5 years old or less at first licensing and at substitution.
- There will be a general exemption from the age limit for any vehicle presented as a private hire car at first licensing prior to 6 June 2018 which, immediately prior to the date of application, operated as a licensed taxi vehicle in the city of Aberdeen. (Note – this exemption is to assist with the transition of hire cars to wheelchair accessible vehicles).

#### **Clackmannanshire Council**

- On the date on which an application for a taxi or PHC licence is received by the licensing authority the vehicle, or any replacement vehicle, must be less than 5 years old.

#### **Dundee City Council**

- Applicable from 1 September 2016 all new licences granted for taxis and PHCs will have a condition that only an electric vehicle from an approved list of vehicles can be placed on service and any subsequent replacement vehicle must also be from the approved list of electric vehicles.
- Applicants operating as airport transfer ONLY vehicles may apply for a variation to dis-apply the electric vehicle condition.

#### **East Renfrewshire Council**

- Taxis and PHCs must be no older than 5 years from the date of first registration. Applies to new licences and change of vehicle.
- No vehicles over 10 years old from date of first registration. Vehicles must be removed from service once 10 years old.
- Vehicles 7 years and older must be tested every 6 months. (Annual inspections apply to vehicles less than 7 years old).

#### **Glasgow City Council**

- No taxi licence will be issued in respect of vehicles whose first date of registration was greater than 5 years before the date on which the vehicle details for an application for a licence or substitution of a vehicle were declared unless that vehicle had been licensed by the Council within the previous 12 months.
- PHCs must be not more than 5 years old from the date of first registration when first licensed by the licensing authority with the further restriction that when the vehicle is 7 years old from the date of first registration it must be taken out of service and replaced.

### **North Ayrshire Council**

- No vehicle over the age of 8 years to be licensed as a taxi or PHC when first licensed.
- Vehicles less than 5 years old are inspected every 12 months.
- Vehicles 5 years and older are inspected every 6 months.

### **Perth & Kinross Council**

- Both taxis and PHCs must be no more than 10 years old from date of first registration.
- In order to increase wheelchair accessible vehicles (WAV) in the fleet, vehicles which are not WAV will be removed from the fleet by progressively reducing the maximum age of these vehicles to 7 years.
- Vehicles up to 7 years old require to be inspected every 12 months.
- Vehicles over 7 years old from date of first registration will require to be inspected every 6 months.

### **Renfrewshire Council**

- PHCs must be less than 7 years old from date of first registration unless the vehicle is a MPV and wheelchair accessible where the vehicle shall be less than 8 years old from date of first registration. PHCs must be taken out of service and replaced when they become 7/8 years old respectively.
- Taxis must be less than 8 years old from date of first registration.
- Taxis and PHCs shall be subject to 6 monthly inspections as from the time they are 5 years old from date of first registration.

### **Shetland Islands Council**

- Maximum age of a taxi or PHC at first grant of licence is 2 years.
- Maximum age for taxi or PHC change of vehicle application is 4 years.
- Maximum age for taxi or PHC at renewal is 10 years.

### **South Ayrshire Council**

- Taxis must be removed from service at 11 years old.
- PHCs must be removed from service at 7 years old.

### **South Lanarkshire Council**

- Saloon vehicles should be under five years old when they are first registered as a licensed vehicle. Purpose built taxis should be under seven years old when first registered as a taxi.
- The upper age limit for any licensed saloon-type vehicle (i.e. non purpose built vehicles) is 10 years but purpose-built vehicles licensed as taxis have no upper age limit. Vehicles over five years old will be subject to a six monthly inspection with the

exception of purpose built vehicles which will require a six monthly inspection once they reach seven years old.

### **Stirling Council**

- Taxis and PHCs must be no older than 5 years old from date of first registration when first presented for plating.
- No upper age limit but older vehicles require testing more frequently as follows:

3 – 5 years old – test on renewal then 6 months later.

5 -7 years old – test on renewal then every 4 months thereafter.

7 years and over – test on renewal and then every 3 months thereafter.

### **West Dumbartonshire Council**

- In respect of taxis, purpose built vehicles must be less than 8 years of age at time of licensing or change of vehicle (unless used as a taxi in the previous 12 months). Purpose built vehicles can then operate for an indefinite period of time.
- Saloon cars and MPVs must be less than 8 years of age at the time of licensing or as a change of vehicle.
- Saloon cars and MPVs can operate until they become 10 years old.
- Vehicles adapted for wheelchair accessibility can operate until they become 14 years old.

### **Example Scottish licensing authorities with no taxi/PHC vehicle age limitation**

#### **Aberdeenshire Council**

- No age limitation.

#### **Argyll & Bute Council**

- No age limitation.

#### **East Dumbarton Council**

- No current restriction. About to review.

#### **The Moray Council**

- No age limitation.

#### **Orkney Council**

- No age limitation.

#### **West Lothian Council**

- There is no age limitation in respect of taxis or PHCs.
- Since 23 November 2009 all PHCs must have a maximum CO2 emission level of 150 g/km for diesel vehicles or a maximum CO2 emission level of 165 g/km for

petrol vehicles (with the exception of tail lift vehicles which must have a maximum CO2 emission level of 225 g/km for diesel or petrol vehicles).

### **Example English City Council licensing authorities taxi/PHV age limitation policies**

#### **Birmingham City Council**

- New Hackney carriage licences will only be granted in respect of brand new vehicles.
- Hackney carriage vehicle licences may only be transferred to another vehicle that is younger/newer than the age of the vehicle currently licensed.
- PHV licences will only be granted in respect of vehicles which are less than 8 years old.

#### **Liverpool City Council**

- Licences for hackney cabs over 11 years old require to be renewed every 6 months.
- Licences for PHVs over 8 years old require to be renewed every 6 months.

#### **Manchester City Council**

- A standard hackney carriage (taxi) licence will not be issued or renewed for a vehicle more than 12 years old.
- A standard PHV licence will not be issued or renewed for a vehicle more than 7 years old.

#### **Transport for London**

- In respect of taxis, since 1 January 2012 no licence will be issued to a vehicle over 15 years of age as calculated from the date on which the vehicle was first registered.
- In respect of Private Hire Vehicles (PHV), since 31 March 2012 new licences will not be granted for vehicles over 5 years of age and licence renewals will not be granted for vehicles over 10 years of age.

## **Appendix 4 – Summary – Euro Emissions Standards**

### **Euro Emissions Standards**

The first European exhaust emissions standard for passenger cars was introduced in 1970. Twenty-two years passed before the next big change when, in 1992 the 'Euro 1' standard heralded the fitting of catalytic convertors to petrol cars to reduce carbon monoxide (CO) emissions.

The latest standard, 'Euro 6', applies to all new type approvals from September 2014 and all new cars from September 2015 and reduces pollutants by 96% compared to the 1992 limits.

The dates below are the implementation date for new vehicle type approvals. The dates in brackets are the implementation date for all new vehicle registrations, normally one year later, so a car registered between the two dates may meet the corresponding emissions standard and a car registered after the date in brackets will meet it.

CO = Carbon Monoxide

NO<sub>x</sub> = Oxides of Nitrogen

HC = Hydrocarbons

PM = Particulate matter

### **Euro 1 (EC93)**

#### **July 1992 (January 1993)**

The introduction of the Euro 1 standard in 1992 required the switch to unleaded petrol and the universal fitting of catalytic convertors to petrol cars to reduce carbon monoxide (CO) emissions.

Euro 1 emission limits

- CO – 2.72 g/km (Petrol and diesel)
- HC + NO<sub>x</sub> – 0.97 g/km (Petrol and Diesel)
- PM – 0.14 g/km (Diesel only)

## **Euro 2 (EC96)**

### **January 1996 (January 1997)**

The Euro 2 standard further reduced the limit for carbon monoxide emissions and also reduced the combined limit for unburned hydrocarbons and oxides of nitrogen for both petrol and diesel vehicles.

Euro 2 introduced different emissions limits for petrol and diesel.

Euro 2 emission limits (Petrol):

- CO – 2.2 g/km
- HC + NO<sub>x</sub> – 0.5 g/km
- PM – no limit

Euro 2 emission limits (Diesel)

- CO – 1.0 g/km
- HC + NO<sub>x</sub> – 0.7 g/km
- PM – 0.08 g/km

## **Euro 3 (EC2000)**

### **January 2000 (January 2001)**

Euro 3 modified the test procedure to eliminate the engine warm up period and further reduced the permitted carbon monoxide and diesel particulate limits. Euro 3 also added a separate NO<sub>x</sub> limit for diesel engines and introduced separate HC and NO<sub>x</sub> limits for petrol engines.

Euro 3 emission limits (Petrol)

- CO – 2.3 g/km
- HC – 0.20 g/km
- NO<sub>x</sub> – 0.15 g/km
- PM – no limit

Euro 3 emission limits (Diesel)

- CO – 0.64 g/km
- HC + NO<sub>x</sub> – 0.56 g/km
- NO<sub>x</sub> – 0.50 g/km
- PM - 0.05 g/km

## **Euro 4 (EC2005)**

### **January 2005 (January 2006)**

Euro 4 (January 2005) and the later Euro 5 (September 2009) concentrated on cleaning up emissions from diesel cars, especially reducing PM and NOx.

Some Euro 4 cars were fitted with particulate filters.

#### Euro 4 emission limits (Petrol)

- CO – 1.0 g/km
- HC – 0.10 g/km
- NOx – 0.08 g/km
- PM – 0.025 g/km

#### Euro 4 emission limits (Diesel)

- CO – 0.50 g/km
- HC + NOx – 0.30 g/km
- NOx – 0.25 g/km
- PM – 0.025 g/km

## **Euro 5**

### **September 2009 (January 2011)**

Euro 5 further tightened the limits on particulate emissions from diesel engines and all diesel cars needed particulate filters to meet the new requirements. There was some tightening of the NOx limits too (28% reduction compared to Euro 4) as well as, for the first time, a particulates limit for petrol engines – applicable to direct injection engines only.

Addressing the effects of very fine particulate emissions, Euro 5 introduced a limit on particle numbers for diesel engines in addition to the particle weight limit. This applied to new type approvals from September 2011 and to all new diesel cars from January 2013.

#### Euro 5 emission limits (Petrol):

- CO – 1.0 g/km
- HC – 0.10 g/km
- NOx – 0.06 g/km
- PM – 0.005 g/km

#### Euro 5 emission limits (Diesel):

- CO – 0.50 g/km
- HC + NOx – 0.23 g/km
- NOx – 0.18 g/km
- PM – 0.005 g/km
- PM –  $6.0 \times 10^{11}$ /km

## Euro 6

### September 2014 (September 2015)

The Euro 6 standard imposes a further , significant reduction in NOx emissions from diesel engines (a 67% reduction compared to Euro 5) and establishes similar standards for petrol and diesel.

Exhaust Gas Recirculation (EGR) – replacing some of the intake air (containing 80% nitrogen) with recycled exhaust gas – reduces the amount of nitrogen available to be oxidised to NOx during combustion but further exhaust after treatment may be required in addition to the Diesel Particulate Filters required to meet Euro 5.

Euro 6 diesel cars may also be fitted with

- A NOx adsorber (Lean NOx Trap) which stores NOx and reduces it to Nitrogen over a catalyst
- Selective Catalytic Reduction (SCR) which uses an additive containing urea injected into the exhaust to convert NOx into Nitrogen and water.
- The use of Cerium, a fluid injected into the fuel tank each time the vehicle is refuelled which assists the DPF regeneration by lowering the temperature needed for regeneration.

Euro 6 emission limits (Petrol):

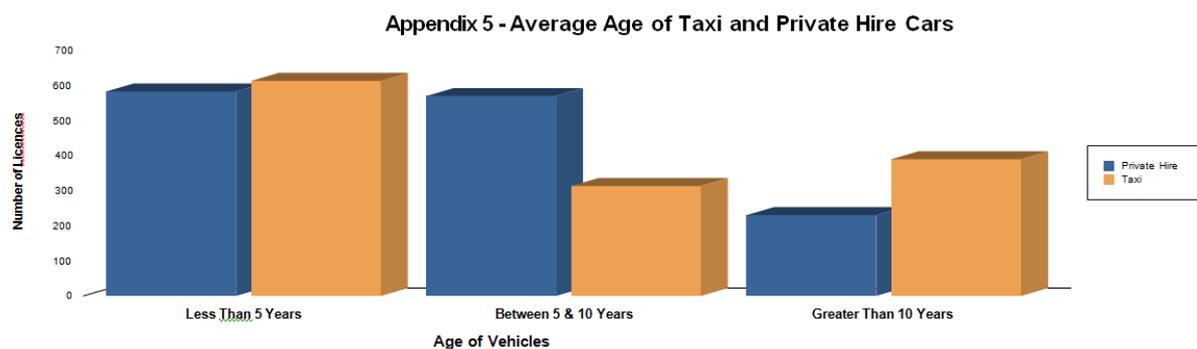
- CO – 1.0 g/km
- HC – 0.10 g/km
- NOx – 0.06 g/km
- PM - 0.005 g/km (Direct injection only)
- PM –  $6.0 \times 10^{-11}$ /km (Direct injection only)

Euro 6 emission limits (Diesel):

- CO – 0.50 g/km
- HC + NOx – 0.17 g/km
- NOx – 0.08 g/km
- PM – 0.005 g/km
- PM –  $6.0 \times 10^{-11}$ /km

(Source: The AA – Euro Emissions Standards)

## Appendix 5 – Licensed Hire Car Fleet – Breakdown of Age



Age of Veh.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
<b>Taxi</b>	210	143	151	58	51	87	98	38	39	52	29	42	34	34	45	67	71	47	16	4
<b>Private Hire</b>	72	125	112	155	118	112	96	103	122	136	123	56	34	8	6	1	2	0	0	0

## Appendix 6 – Summary of Cost of Taxi Vehicles

Prices are indicative only and intended for comparison purposes.

	LTi TX	Peugot E7	Mercedes M8
New	£42,800	£28,500	£41,500
5 year old	£8,000	£8,000	£10,000
10 year old	£2,000	N/A	N/A
15 year old	£500	N/A	N/A

# Regulatory Committee

10.00, Monday, 21 November 2016

## Taxi Fare Scales: Outcome of Appeal and Timetable for Next Review

Item number	6.7
Report number	
Executive/routine	Routine
Wards	All

### Executive Summary

The Council, as Licensing Authority in terms of the Civic Government (Scotland ) Act 1982 for taxis, is required to review and fix the scale of fares or any other charges which may be used by taxis licensed within the city. This review must take place at intervals not greater than 18 months beginning with the date on which the last scales came into effect.

The Council last fixed the tariff in February 2015. This decision was subject to appeal.

The Committee is asked to note the outcome of an appeal lodged with the Traffic Commissioner for Scotland. The Commissioner did not fix a date for the revised tariff to come into effect. The fare tariff will therefore increase by 2.1% effective from 13 November 2016.

This report outlines options for the timing of the next fare review.

### Links

Coalition Pledges	<a href="#">P28</a>
Council Priorities	<a href="#">CP8</a>
Single Outcome Agreement	<a href="#">SO1</a>

## Taxi Fare Scales: Outcome of Appeal and Timetable for Next Review

### 1. Recommendations

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It is recommended that the Committee:

- 1.1 notes the outcome of the appeal and the revised fare scale set by the Traffic Commissioner;
- 1.2 notes that the Council must complete its next review of taxi fares within 18 months beginning with the date on which the scales came into effect – therefore no later than 13 May 2018; and
- 1.3 decides on the appropriate timetable for carrying out a review of taxi fares from the options outlined in paragraph 3.10 below.

### 2. Background

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- 2.1 The Council, as Licensing Authority in terms of the Civic Government (Scotland) Act 1982, has a duty to fix taxi fare scales within the city. The taxi fare structure represents the maximum which a customer can be charged for a taxi journey within the city.
- 2.2 The Council engaged Halcrow Ltd to undertake a review of the fare structure and their report and conclusions were presented to the Regulatory Committee on 17 November 2014.
- 2.3 The Committee instructed that officers advertise the proposed changes to the taxi fare structure in line with the statutory requirements of the Civic Government (Scotland) Act 1982, referred to in this report as 'the Act'. This advertisement gave the proposed date of commencement of the new fare scales as 1 March 2015. A further report was presented to Committee on 2 February 2015 following the public advertisement of the proposed fare scales when the Committee agreed the fare scales be fixed as previously advertised. Thereafter the trade were notified of the Committee's decision in line with statutory requirements.
- 2.4 There is a right of appeal against any Committee decision regarding fares, which may be exercised by any taxi licence holder. An appeal was made to the Traffic Commissioner for Scotland ('the Commissioner') by Edinburgh Taxi Association and two individual licensed taxi drivers.

### 3. Main report

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#### **Appeal**

- 3.1 The main point on which the appeal was founded was the decision of the Committee to delete Tariff 4 (see Appendix 1). While Tariff 3 allowed an enhanced rate to be charged during the festive period, Tariff 4 had permitted a further fare enhancement between 6 p.m. and 6 a.m. in the festive period.
- 3.2 On receipt of details of the appeal against the proposed taxi tariff, the Traffic Commissioner for Scotland held hearings in June and November 2015 and January 2016, in order to allow him to make a decision on the tariff to be applied.
- 3.3 The Commissioner's decision, issued in August 2016, was that the appeal would be upheld. The Commissioner cited concerns over the Council's understanding of the taxi trade's position regarding the proposed change.
- 3.4 The Commissioner provided revised taxi fare scales for use within the City of Edinburgh (Appendix 2). This will be the first increase in the taxi fare scales since July 2013. The Commissioner did not fix a date for the scales to come into effect unless requested to do so by the Council.

#### **Timing of next fare review**

- 3.5 The Council has 18 months from the date of the fare scales coming into effect in which to complete its next fare review and fix the scale of fares and charges
- 3.6 At its meeting in June 2015 the Committee heard concerns about the impact of any increase in the drop-off and/or pick-up fees for Taxis and Private Hire Cars at Edinburgh Airport. The Committee deferred reviewing the taxi fare scales to take account of these additional fees imposed by the airport, pending the outcome of the appeal,
- 3.7 The Council have no power to control these fees and since that date further fee increases have been applied by Edinburgh Airport. Appendix 3 shows these fees.
- 3.8 The Committee is advised that it is a legal requirement to carry out a review of the current taxi fare scales and therefore it would be inappropriate to consider only additional charges to take account of the increase in airport fees without carrying out a full fare review.
- 3.9 CH2M Hill trading as Halcrow had previously been contracted and has one final fare scales review to undertake as part of the current contract.
- 3.10 The Committee has the following options:
  - a) Instruct CH2M Hill to undertake a full fare review and to report in February 2017 – the Committee to make its final decision on a revised tariff by April 2017;
  - b) Instruct CH2M Hill to commence a full fare review in April 2017; reports to Committee in August and November 2017; or

- c) Commence review in line with statutory timescale, i.e. instruct CH2M Hill to commence a full fare review in Autumn 2017; report to Committee in November 2017 and any revised tariff to be agreed prior to May 2018.

#### **4. Measures of success**

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- 4.1 The Council discharges its statutory duties under the Civic Government (Scotland) Act 1982.

#### **5. Financial impact**

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- 5.1 Any associated costs of further fare reviews will be contained within the current Licensing budget.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 The fare review process complies with statutory requirements including process for appeal to Traffic Commissioner.

#### **7. Equalities impact**

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- 7.1 There is no equalities impact arising from the contents of this report.

#### **8. Sustainability impact**

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- 8.1 There is no environmental impact arising from the contents of this report.

#### **9. Consultation and engagement**

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- 9.1 The taxi fare review would involve extensive consultation with the taxi trade.

#### **10. Background reading/external references**

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[Review of Taxi Fare Structure – Outcome of Consultation \(February 2015\)](#)

### **Paul Lawrence**

Executive Director of Place

Susan Mooney, Head of Housing & Regulatory Services

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Contact: Andrew Mitchell, Regulatory Services Manager

## 11. Links

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<b>Coalition Pledges</b>	<b>P28</b> - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
<b>Council Priorities</b>	<b>CP8</b> – a vibrant, sustainable local economy
<b>Single Outcome Agreement</b>	<b>SO1</b> - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
<b>Appendices</b>	<a href="#">Appendix 1</a> : Fare card advertised by the City of Edinburgh Council on 20 November 2014 Appendix 2: Fare card provided by the Traffic Commissioner for Scotland in August 2016 Appendix 3: Charges imposed by Edinburgh Airport

## Appendix 1 - Fare card advertised by the City of Edinburgh Council on 20 November 2014

### FOR UP TO 2 PASSENGERS

<b>TARIFF 1</b> Monday - Friday 6am – 6pm	<b>TARIFF 2</b> Monday – Friday 6pm – 6am the following day 6am Saturday – 6am Monday
<b>TARIFF 3 during Christmas and New Year</b>	
<b>CHRISTMAS</b>	6pm on 24 December to 6am on 27 December
<b>NEW YEAR</b>	6pm on 31 December to midnight on 2 January

CHARGES	TARIFF 1	TARIFF 2	TARIFF 3
<ul style="list-style-type: none"> <li>▪ Initial hire not exceeding 516m</li> <li>▪ Initial 105 seconds of waiting time</li> <li>▪ Combination of initial time and distance</li> </ul>	<b>£2.10</b>	<b>£3.10</b>	<b>£3.60</b>
<ul style="list-style-type: none"> <li>▪ Each additional 184m up until 1988m and thereafter each additional 213m</li> <li>▪ Each additional 39 seconds of waiting time</li> <li>▪ Combination of additional time and distance</li> </ul>	<b>£0.25</b>	<b>£0.25</b>	<b>£0.35</b>

### EXTRA PAYMENTS

<b>When more than 2 passengers</b>	<b>Each</b>	<b>£0.20</b>
<b>Note:</b> Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years of age.		
<b>Each Passenger must be properly seated</b>		
<b>Hires ending at Edinburgh Airport Inner Drop-off Zone</b> (See Note 4 below)		<b>£1.00</b>
<b>Call Out Charge</b> Applicable when pre-booked	<b>£0.80</b>	<b>Airport Pickup</b> For hires Commencing at Edinburgh airport
		<b>£0.80</b>
<b>Cancellation Fee</b> Applicable when taxi is pre-booked but not used	<b>£2.20</b>	<b>Payment Of Fare By Credit/Debit Card</b> Extra applicable when fare paid by the above means
		<b>5.0 %</b>
<b>Cleaning Fee</b> Applicable when taxi is soiled (by travel sickness)		<b>£50.00</b>

## Appendix 2 - Fare card provided by the Traffic Commissioner for Scotland in August 2016 (after consideration of appeal)

### FOR UP TO 2 PASSENGERS

<b>TARIFF 1</b> Monday - Friday 6am – 6pm	<b>TARIFF 2</b> Monday - Friday 6pm – 6am the following day 6am Saturday – 6am Monday
<b>TARIFF 3</b> Monday - Friday 6am – 6pm during Christmas and New Year	<b>TARIFF 4</b> Monday - Friday 6pm – 6am the following day 6am on Saturday – 6am Monday during Christmas and New Year
<b>CHRISTMAS NEW YEAR</b>	6pm on 24 December to 6am on 27 December 6pm on 31 December to midnight on 2 January

CHARGES	TARIFF 1	TARIFF 2	TARIFF 3	TARIFF 4
<ul style="list-style-type: none"> <li>▪ Initial hire not exceeding 516m</li> <li>▪ Initial 105 seconds of waiting time</li> <li>▪ Combination of initial time and distance</li> </ul>	<b>£2.10</b>	<b>£3.10</b>	<b>£3.10</b>	<b>£4.10</b>
<ul style="list-style-type: none"> <li>▪ Each additional 184m up until 1988m and thereafter each additional 213m</li> <li>▪ Each additional 39 seconds of waiting time</li> <li>▪ Combination of additional time and distance</li> </ul>	<b>£0.25</b>	<b>£0.25</b>	<b>£0.35</b>	<b>£0.45</b>

### EXTRA PAYMENTS

<b>When more than 2 passengers</b>	<b>Each</b>	<b>£0.20</b>
<b>Note:</b> Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years of age.		
<b>Each Passenger must be properly seated</b>		
<b>Hires ending at Edinburgh Airport Inner Drop-off Zone</b> (See Note 4 below)	<b>£1.00</b>	
<b>Call Out Charge</b> Applicable when pre-booked	<b>£0.80</b>	<b>Airport Pickup</b> For hires Commencing at Edinburgh airport
		<b>£0.80</b>
<b>Cancellation Fee</b> Applicable when taxi is pre-booked but not used	<b>£2.20</b>	<b>Payment Of Fare By Credit/Debit Card</b> Extra applicable when fare paid by the above means
		<b>5.0 %</b>
<b>Cleaning Fee</b> Applicable when taxi is soiled (by travel sickness)	<b>£50.00</b>	

### Appendix 3

<b>Time</b>	
0 - 5 mins	£1.00
5 - 10 mins	£3.00
10 min - 20 mins	£5.00
20 mins - 1 hour	£7.00
Thereafter	£9.00
<b>Time</b>	
First 15 minutes	£3.90
15 - 30 min	£5.90
30 min - 1 hour	£8.60
1 - 2 hours	£12.50

# Regulatory Committee

10.00, Monday, 21 November 2016

## Licensing Customer Survey 2016

<b>Item number</b>	6.8
<b>Report number</b>	
<b>Executive</b>	Executive
<b>Wards</b>	All

### Executive summary

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Placing customers at the heart of the service and increasing customer satisfaction are key priorities for the Licensing Service. In order to understand service users' views, and assess levels of customer satisfaction, customer research is carried out on an annual basis.

Customers in the four main areas of licensing are telephoned and asked to participate in a short survey designed to assess their levels of satisfaction.

A number of areas were highlighted for improvement after the 2015 survey, which were captured in an action plan. This has been used to drive further improvement of the service. Each individual aspect of the 'satisfaction with Licensing Service' questions has shown an improvement from the previous year's survey results.

Demand for the service continues to rise, with an increase of at least 10% in the number of applications received.

### Links

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<b>Coalition pledges</b>	<a href="#">P28</a>
<b>Council priorities</b>	<a href="#">CP5</a>
<b>Single Outcome Agreement</b>	<a href="#">SO1</a>

# Report

## Licensing Customer Survey Update

### 1. Recommendations

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It is recommended that Committee:

- 1.1 notes this report.
- 1.2 agree to receive a further report in 12 months on the 2017 survey results.

### 2. Background

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- 2.1 The City of Edinburgh Council has statutory responsibilities to license certain businesses and activities, in order to ensure that proper standards are met and that the general public interest and public safety are protected. The Licensing Service receives approximately 22,000 licence applications each year and the volume of applications is increasing year on year.
- 2.2 This report outlines the results of the 2016 survey, in which all areas surveyed showed improved scores when compared with the 2015 research (presented to Committee in February 2016).
- 2.3 The licensing customer survey covers Taxi, Private Hire Car, Houses in Multiple Occupation (HMO) and Civic licensing.
- 2.4 The Licensing Service continues to undergo transformational change which includes ICT support, performance management and preparation for channel shift. In addition, over the past two years, areas of policy, practice and licensing conditions have been subject to ongoing review as part of a Committee agreed work plan to ensure that policies and licensing conditions are up to date and fit for purpose.
- 2.5 The transformational change programme continues Council-wide, and the results of the customer survey are key in defining areas of further improvement.
- 2.6 In addition to dealing with exceptionally high workload during the busy summer period, the Service was adversely affected in June 2016 by Council ICT problems. This resulted in temporarily lower levels of performance from the Service, a situation which has now been addressed.

### 3. Main report

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#### Customer Survey Methodology

- 3.1 The customer research is conducted by a telephone survey designed to assess customer satisfaction across a range of measures, which is carried out by an independent research company on an annual basis. Customers are randomly selected from a database of customers who have applied for a licence within the previous 18 months. Responses are then weighted by function (Taxi, Private Hire Car, HMO and Civic Licences) to reflect actual service volumes. The 2016 survey was conducted on 13 June and 18 July 2016.
- 3.2 A summary of the survey results is attached at Appendix 1.

#### Background to 2016 survey results

- 3.3 2016 has been a period of change for the Licensing Service and its customers. The Action Plan which was agreed by the Committee in February 2016 has driven positive changes to service delivery and has continued to focus on customer service. These outcomes include improved timescales for processing applications and improved customer communication. For further details on the Action Plan see Appendix 2.
- 3.4 The Council agreed an increase in licensing application fees from April 2016.
- 3.5 There have been several changes in relevant policy and legislation since the last survey was carried out.

#### 2016 Survey Results

- 3.6 On a scale of one to 10, overall customer satisfaction with the Service has increased from 6.5 in 2015 to 7.3 in 2016.
- 3.7 Each individual aspect of the 'satisfaction with Licensing Service' questions has also shown an improvement from the previous year.
- 3.8 The most notable increase was seen with respect to 'being kept up to date with the progress of the application', which improved from 4.89 in 2015 to 6.22 in 2016.
- 3.9 Average customer satisfaction ranged from 6.09 out of 10 (with respect to the length of time to process the application and receive the licence) to 8.01 out of 10 (with respect to paying the processing fee for the licence).

#### Action Plan and Service Improvements

- 3.10 As previously agreed by the Committee, the feedback received from customers through previous surveys is being further addressed by means of a comprehensive action plan (Appendix 2).
- 3.11 Tasks completed to date can be summarised as follows:
- More efficient telephone system introduced (September 2016)
  - Accessibility of communications reviewed (September 2016)
  - Customer survey development (April 2016)

- Refresher training of staff in core customer care skills, call handling and licensing knowledge (September 2016)
- Discounted licence fees for small community groups (April 2015)
- All staff Grade 6 and above have completed paralegal training (March 2016)

3.12 Work arising from the action plan has led to increased customer satisfaction levels see paragraph 3.3 above. Performance indicators were previously introduced for key areas of the Licensing Service are as follows:

**1) Applications complete within 72 days – Target 90%**

**2) Consultation requests circulated within 7 days – Target 95%**

Performance has improved against these targets since they were introduced. Performance was reported in a separate report earlier this year and a further report will be provided at the next committee meeting.

### **Development of Customer Survey**

3.13 Since the 2015 survey, the licence types surveyed have been expanded to include Taxi, Private Hire Car, HMO and Civic. This allows the Service to gain a better understanding of the needs and views of each of these groups, and allows targeted service improvement opportunities to address these.

3.14 The 'value for money' element is no longer part of the survey. Committee undertook a full fee review and implemented significant change in Feb 2015 and that piece of work has been discharged. Additionally fee increases are incorporated in the wider budget consultation and that feedback will be more relevant than looking back 12 months reflecting on previous fee decisions.

### **Next Steps**

3.15 The landscape for licensing continues to change with the likely introduction of additional licence requirements as the Air Weapons and Licensing Act 2015 is implemented by Scottish Government. Regulatory Committee Policy work plan is addressing these emerging issues, and where possible is simplifying and improving local licensing conditions.

3.16 Additionally transformational change continue with the structures of the Council adapting to future business needs. The corporate project to deliver 'Channel Shift' will impact licensing with a move to mainly electronic licence applications.

3.17 The service will continue to seek further and better ways to engage with customers and the Customer Survey will be repeated in 2017 to assess progress at that time.

## **4. Measures of success**

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4.1 The report highlights areas for continuous improvement, and areas which have shown improvements since last year's research was carried out and reported on.

Improvements will be shown in future years' surveys and the benefits from service improvements will be realised.

## **5. Financial impact**

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- 5.1 The cost of the research amounts to £14,200 per annum. This is contained within the income from licence fees and does not affect the Council budget.

## **6. Risk, policy, compliance and governance impact**

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- 6.1 There are no direct effects arising from this report. The work undertaken to measure customer satisfaction is good practice.

## **7. Equalities impact**

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- 7.1 There is no equalities impact arising from the contents of this report.

## **8. Sustainability impact**

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- 8.1 There is no environmental impact arising from the contents of this report.

## **9. Consultation and engagement**

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- 9.1 This survey is an important step in engaging with customers of the Licensing Service.

## **10. Background reading / external references**

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[Licensing Customer Survey 2015 – February 2016](#)

[Licensing Performance Update - November 2015](#)

[Licensing Review and Performance - February 2015](#)

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## Links

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<b>Coalition pledges</b>	<b>P28:</b> Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
<b>Council priorities</b>	<b>CP5</b> – business growth and investment
<b>Single Outcome Agreement</b>	<b>SO1</b> - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
<b>Appendices</b>	Appendix 1: Summary results (and comparison where possible) of 2013, 2014, 2015 and 2016 surveys Appendix 2: Licensing Action Plan and Workstreams – updated September 2016

## Appendix 1

### Q2 How long have you been/were you a licence holder in Edinburgh?

	2014	2015	2016
<b>Unweighted base</b>	<b>1329</b>	<b>1437</b>	<b>1412</b>
I have not yet received my licence and this is my first application	0%	1%	0
Less than six months	2%	4%	6%
At least six months, less than one year	5%	8%	7%
At least one year, less than three years	8%	12%	10%
At least three years, less than five years	9%	9%	9%
Five years or more	75%	66%	62%
Don't know/ can't remember	1%	0%	6%

### How did you pay for your (most recent) licence? (question not asked in 2013)

	2014	2015	2016
<b>Unweighted base</b>	<b>1329</b>		<b>1412</b>
Online	9%	4%	5%
In person at cash counter	40%	49%	44%

## Links

Coalition pledges [P28](#)

Council priorities [CP5](#)

Single Outcome Agreement [SO1](#)

Cheque in post	43%	36%	42%
Other	3%	3%	3%
Don't know/ can't remember	5%	2%	3%
Refused	-	-	2%
Company paid for it	-	4%	1%
It was free (charity)	-	2%	0%

**Rate the following aspects of the Licensing Service (score out of 10, where 1 is 'poor' and 10 is excellent)**

	2014	2015	2016
Ease of finding and completing the licence application forms	7.43	7.38	7.84
Paying the processing fee for your licence	8.03	7.80	8.01
The length of time to process your application and give you a licence	5.74	5.00	6.09
Being kept up to date with the progress of your licence application	5.51	4.89	6.22
The helpfulness of the licensing team	7.61	7.46	8.2
Overall, how would you rate the licensing service?	6.74	6.50	7.31

**What do you think the purpose of licensing is? (new question in 2016)**

	2016
<b>Unweighted Base: n=1412</b>	<b>%</b>
Benefit the public/ keep the public safe	21%
To have a regulated service/ make sure rules are adhered to	41%

I just need it for work	6%
To ensure people are fit and able for the job	2%
A way of getting the Council money/ creates jobs	6%
So I can run events/ trade/ sell alcohol	3%
To prevent rogue landlords/ properties are of a good standard/ safe	19%
To monitor who works in the industry	12%
Don't know	2%
Other	3%

<b>Do you feel that the licensing service provides value for money?</b>		
	<b>2014</b>	<b>2015</b>
<i>Yes</i>	45%	50%
<i>No</i>	46%	42%
<i>Don't know</i>	8%	7%

Do you have any suggestions for how the licensing service can be improved?				
	2013	2014	2015	2016
<b>Unweighted base</b>	<b>1431</b>	<b>1458</b>	<b>1437</b>	<b>1421</b>
Fee reduction/ less expensive	10%	6%	14%	7%
Online payment method/ by post/ BACs	2%	3%	8%	7%
Process application quicker	15%	14%	25%	16%
Inform us of any changes/ send emails/ more feedback on progress	10%	20%	19%	13%
Improved online services	5%	10%	11%	13%
Extend licence period	5%	9%	9%	7%
Cut down regulations/ rules	9%	17%	7%	5%
Better parking facilities in city centre	2%	2%	1%	2%
Improved staff/ more helpful staff	2%	4%	13%	7%
No/ happy with service	43%	38%	22%	30%
Don't know	3%	1%	1%	1%
Other	3%	2%	3%	5%
*A reminder service	-	-	2%	3%
*Need to be stricter e.g. identify those not paying for a licence/ vet licence applicants	-	-	3%	3%
*Improve the office e.g. changing desk location, separate licence desk	-	-	4%	3%
*Improve the application form	-	-	3%	5%

*Remove/ simplify the licence	-	-	1%	3%
*Renewals made easier	-	-	1%	3%

## Appendix 2

### Licensing Action Plan

Workstream	Remit	Method	Benefit to Customer	Estimated completion date	Actual completion date
<b>Improved Communications with Customers</b>					
<b>ICT Improvements External Customers</b>	Introduce online applications. Introduce Electronic Document Management and improve online payment system.	Coordinate with corporate CGI plan and data protection team	<ul style="list-style-type: none"> <li>• Increased accessibility to the service</li> <li>• Value for money</li> <li>• Direct payment system</li> <li>• Improved payment options</li> <li>• Faster service, automated updates &amp; quicker overall process</li> </ul>	June 2017	
	Introduce more efficient telephone system.	Adopt Solidus system	<ul style="list-style-type: none"> <li>• Calls answered more quickly</li> <li>• Staff have access to call history improving ability to assist customers</li> <li>• Improved customer experience</li> <li>• Assist with staff training to increase call handling skills</li> <li>• Greater transparency re customer initiated contacts</li> </ul>	September 2016	September 2016
	Improve access to licence applications register.	Publish registers online	<ul style="list-style-type: none"> <li>• Increased accessibility to the service</li> <li>• Greater transparency</li> <li>• Access to real time information</li> </ul>	April 2017	

<b>ICT Improvements</b>	Mobile technology for enforcement staff in the field.	Source and procure a device compatible with current ICT system	<ul style="list-style-type: none"> <li>• Reassurance for licence applicants and members of the public.</li> <li>• Staff have direct access to licence information and are able to provide real time guidance and/or assistance</li> <li>• Greater staff efficiencies leading to increased time available for proactive work</li> </ul>	December 2017	
<b>External Internal Customers</b>					
<b>Communications with Customers</b>	Increase use of social media.	Digital development proposal to be drafted	<ul style="list-style-type: none"> <li>• Service accessible by greater audience</li> <li>• Greater transparency</li> <li>• Improved customer experience</li> </ul>	April 2017	
	Review accessibility of existing communications.	Review language and update letters etc to Plain English	<ul style="list-style-type: none"> <li>• Access to information in user friendly format</li> <li>• Improved customer experience</li> <li>• Inclusive experience to facilitate confidence in service provision</li> </ul>	March 2016	September 2016
	Update web pages.	Add 'You Said We Did'	<ul style="list-style-type: none"> <li>• Greater understanding of how service is developing to meet needs of service users</li> <li>• Greater transparency</li> <li>• Inclusive by nature</li> </ul>	Ongoing	
	Develop customer survey to allow feedback from specific user groups.	Amend Customer Survey to target up to six different types of licence holder rather than generic survey to all licence types	<ul style="list-style-type: none"> <li>• Greater understanding of customer requirements</li> <li>• Inclusive approach leading to customers feeling valued</li> </ul>	April 2016	April 2016
<b>Consultation</b>	Improve stakeholder engagement.	Introduce regular licence-specific consultation and	<ul style="list-style-type: none"> <li>• Customers have ability to influence development of policy and practice</li> <li>• Customers provided with regular feedback</li> </ul>	June 2017	

		<p>feedback per application and/or legal representative</p> <p>Introduce quarterly meetings with trade groups</p> <p>Provide Licensing Service at Customer Hubs/Libraries to allow customers to utilise local based services to access licensing</p>	<ul style="list-style-type: none"> <li>• Improved access to licensing service</li> <li>• Improved customer experience</li> <li>• Greater transparency</li> </ul>		
<b>Improve Processing Performance</b>					
<b>Improved coordination across Council Service Areas</b>	Review and streamline processes across Council service areas.	<p>Remove duplication amongst Licensing consultees</p> <p>Introduction of APP has allowed all consultees access to Licensing records</p> <p>Merging customer records to create shared record - customer gains benefits of channel shift</p> <p>Provision of performance reports for consultees</p>	<ul style="list-style-type: none"> <li>• Creation of one stop shop improving customer experience</li> <li>• Service providers have improved access to records and have greater ability to address customer concerns</li> <li>• Improved quality of service</li> <li>• Improved customer experience</li> <li>• Value for money</li> <li>• Faster service provision leading to increased satisfaction</li> </ul>	June 2017	
	Link telephone system to	Adapt system to	<ul style="list-style-type: none"> <li>• Improved quality of service</li> </ul>		

	electronic document management system.	integrate with ICT system to allow records to be automatically updated, filed and numbered	<ul style="list-style-type: none"> <li>• Value for money</li> <li>• Speed up service provision</li> </ul>	TBC - dependant on introduction of new system	
<b>Feedback to Customers</b>					
<b>Improved customer feedback</b>	Increase customer satisfaction levels.	Regular consultation, working groups, surveys and communication	<ul style="list-style-type: none"> <li>• Customers have ability to influence development of policy and practice</li> <li>• Customers provided with regular feedback</li> <li>• Improved access to licensing service</li> </ul>	August 2018	2015-16 customer satisfaction increased
	Staff providing feedback when complete application received		<ul style="list-style-type: none"> <li>• Improved customer experience</li> <li>• Improved quality of service</li> <li>• Value for money</li> </ul>		
<b>Value for Money</b>					
<b>Move to 3 year licence periods from 1 year</b>	Identify whether periods can be extended for certain licence types.	<p>Policy work already started with view to increasing licence types for particular licence applications</p> <p>Further work required to improve the consultation and feedback experience for people affected by temporary licences.</p>	<ul style="list-style-type: none"> <li>• Improved quality of service</li> <li>• Value for money</li> <li>• Reduction in number of applications that require to be submitted</li> <li>• Greater transparency and ability to plan ahead</li> </ul>	June 2016	HMO Reg Committee approval in Sept 2016 to consult
<b>Discount Licence Fees for small Community groups</b>	Increase opportunities for community groups		<ul style="list-style-type: none"> <li>• Increased support for community groups</li> </ul>	April 2015	April 2015

			<ul style="list-style-type: none"> <li>Improved access to Licensing Service</li> </ul>		
<b>Helpfulness</b>					
<b>Training of frontline staff</b>	Staff refreshed in core customer care skills, call handling and licensing knowledge	Increased staff training Staff trained across range of licence types	<ul style="list-style-type: none"> <li>Staff are able to deliver improved quality of service</li> <li>Value for money</li> <li>Improved customer experience</li> </ul>	September & November 2016	September 2016
	All Staff appointed to Grade 6 role required to undertake paralegal in Licensing		<ul style="list-style-type: none"> <li>Staff are able to deliver improved quality of service</li> <li>Improved customer experience</li> </ul>	May 2015 September 2015 March 2016	All complete March 2016

# Regulatory Committee

10.00am, Monday, 21 November 2016

## Licensing Policy Development: Monthly Instalment Payments

Item number	6.9
Report number	
Executive/routine	
Wards	

### Executive Summary

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The Council, as Licensing Authority, may charge application fees for licences under the Civic Government (Scotland) Act 1982.

A licence application is only complete when all information required is provided and a payment is made in full.

Customer feedback had questioned the practice requiring full up-front payment and suggested monthly payment plans, with the view to supporting applicants which are small businesses or starting a new business.

The Committee instructed that work should be carried out to research the feasibility of introducing monthly payment plans.

This report provides the Committee with the outcome of this work.

### Links

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Coalition Pledges	<a href="#">P28</a>
Council Priorities	<a href="#">CP8</a>
Single Outcome Agreement	<a href="#">SO1</a>

## Licensing Policy Development: Monthly Instalment Payments

### 1. Recommendations

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It is recommended that the Committee:

- 1.1 notes this report and the legal opinion obtained.

### 2. Background

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- 2.1 The Council, as Licensing Authority, may charge an application fee in respect of any activity to be licensed under the Civic Government (Scotland) Act 1982 ('the Act').
- 2.2 Licence applicants for all types of licences issued under the Act range from individuals wishing to hold small events (e.g. small markets) to large commercial ventures holding events attracting thousands of people.
- 2.3 Licensing application fees are set by the Council prior to 1 April each year. Fees can be set at a level up to several thousands of pounds.
- 2.4 The Council had received enquiries from licensing customers regarding the possibility of allowing staged payment of application fees.
- 2.5 In order to support economic growth and local community events, the Licensing Service carried out research and obtained legal opinion on the issue.

### 3. Main report

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- 3.1 Schedule 1 Paragraph 1 of the Act states:

An application to a licensing authority for the grant or renewal of a licence shall be:

- a) made in writing in such form as the authority may determine
  - b) signed by the applicant or his agent, and
  - c) accompanied by such fee as the authority may determine under Paragraph 15.
- 3.2 Paragraph 15 sets out the parameters for the fees that Licensing Authorities may charge in relation to licences determined under the Act.

- 3.3 Legal opinion has been obtained which states that an application is not complete if it does not meet the statutory requirements set out at 3.1 above. In such circumstances the Council would be entitled to return the application to an applicant as incomplete.
- 3.4 Officers have not been able to identify any councils which allow fees to be paid by instalments, having regard to the terms of the Act.
- 3.5 Legislation allows for a period of up to six months for a decision to be made in respect of an application, however the six month period does not start until the application is considered complete by the Council. An application is only considered to be complete when all information required in the application form has been provided and payment has been received.
- 3.6 The time period for an application begins from the point at which the Licensing Authority is satisfied that the application is complete. If a part payment is received with an agreement to pay in full on a monthly basis, for example over a six month period, then the application could be considered to be incomplete until such time as the full fee is paid which would impact on statutory timescales for consideration and determination of the application.
- 3.7 In the circumstances described at 3.6 above, if a fee had only been partially paid then a challenge could be made in respect of when the application process had begun. Where the Council failed to determine an application within the statutory timescales then the licence would be deemed to be granted, and a licence would be required to be issued with standard conditions attached.
- 3.8 In view of the above, Committee members are advised that at present it would not be legally feasible to allow instalment payments for licence applications.

#### **4. Measures of success**

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- 4.1 Not relevant.

#### **5. Financial impact**

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2016. Any impact would be required to be absorbed by the Civic Government (Scotland) Act 1982 licensing budget for 2016/17 or alternatively using wider Council budgets.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 The fee structure was agreed by the Council in January 2016. Any change to the full immediate payment requirement risks setting a precedent.

- 6.2 There is a risk that any change to current payment requirements will be open to legal challenge.

## **7. Equalities impact**

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- 7.1 There is no equalities impact arising from the contents of this report.

## **8. Sustainability impact**

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- 8.1 There is no environmental impact arising from the contents of this report.

## **9. Consultation and engagement**

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- 9.1 This issue arose from customer feedback. The Council has obtained legal opinion as detailed above.

## **10. Background reading/external references**

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## 11. Links

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<b>Coalition Pledges</b>	<b>P28</b> - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
<b>Council Priorities</b>	<b>CP8</b> – a vibrant, sustainable local economy
<b>Single Outcome Agreement</b>	<b>SO1</b> - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
<b>Appendices</b>	