

Committee Minutes

Regulatory Committee

Edinburgh, 11 October 2006

Present:- Councillors Wigglesworth (Convener), Shami Khan, Marshall, O'Malley, Paisley, Shiels and Walker.

1 Minute

The minute of the Regulatory Committee of 13 September 2006 was approved as a correct record.

2 Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982

The Director of Corporate Services provided details of three applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

Decision

That the applications be determined as detailed in Appendix 1 to this minute.

3 Request for Waiver of Taxi Driver Training – Francis Smith

Details were provided of a request from Francis Smith that his application for a new Taxi Driver's Licence be considered within one year of the date of refusal of his previous application as there had been a material change of circumstances. He also requested that should his application be granted the requirement to undertake the topographical test and required training be waived.

Decision

- 1) To agree to consider the application within one year of the previous application as there had been a material change of circumstances.

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- 2) To grant the licence subject to the Council's Standard Licensing Conditions.
- 3) To waive the requirement that the applicant re-sit the topographical test and taxi driver training.

(Reference – report by the Director of Corporate Services, submitted.)

4 Licensing Conditions for Taxis Etc – Variation of Licence

In terms of paragraph 10(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 a licensing authority may, at any time, whether or not on an application made to them, by the holder of the licence, vary the terms of a licence on any grounds thought fit.

Four applications had been made by Taxi Licence Holders requesting that the old licensing conditions attached to their existing licences be replaced with the new licensing conditions adopted by the Council on 20 June 2006.

Decision

- 1) To grant the variations for T Caldwell, W McEwan and G Blair.
- 2) To grant the variation for W Carr subject to payment of the appropriate fee.

(Reference – report by the Director of Corporate Services, submitted;
2 applications to vary licences, tabled.)

5 Private Hire Licensing – Request to Instal Dual CD Player

The Director of Corporate Services provided details of a request from Iain Govenlock to instal a dual CD player in a private hire car.

Condition 265 of the Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers stated that "no fittings other than those approved may be attached to or carried upon the inside or outside of a private hire car".

The Cab Inspector had been approached for his views on the proposed installation, and his response was detailed in Appendix 2 of the report by the Director of Corporate Services.

Mr Govenlock was heard.

Decision

To grant the request subject to the approval of the Cab Inspector on the position of the equipment in the car.

(Reference – report by the Director of Corporate Services, submitted.)

6 Taxi Licensing – Request to Display Advertising Signs on Taxis

A request had been received from Mr John Cowe of London Taxis Direct Limited to display a sign on the rear window of all taxis sold by London Taxis Direct Limited.

Condition 31 of the Council's Licensing Conditions for Taxis, Private Hire Car etc stated that:

"The holder of a taxi licence should not display in or on their taxis any signs for the purpose of advertising or by way of identifying or personalising marks but the Council would consider varying this prohibition on application from the holder of a taxi licence in accordance with the terms of these conditions."

The Committee was asked to determine whether or not to vary the licence condition to allow London Taxis Direct Limited to display a sign on the back of all taxis they sold.

Mr Cowe was heard.

Decision

To agree, in principle, to vary Conditions 31 and 236 of the Council's Licensing Conditions for Taxis Private Hire Cars etc when an application is made by a taxi licence holder, whose car was supplied by London Taxis Direct Limited, to display a sign on the rear window of the taxi subject to:

- a) The sign conforming with the one appended to the report by the Director of Corporate Services; and
- b) The position of the sign being approved by the Cab Inspector.

(Reference – report by the Director of Corporate Services, submitted.)

7 Hire Car Licensing Consultation Group – Membership Update

The Director of Corporate Services provided details of a request for membership of the Hire Car Licensing Consultation Group and the removal of a current member.

Decision

- 1) To approve the membership of Keith Landles of Edinburgh Taxis Information Group.
- 2) To note the withdrawal of the Airport Taxi Drivers' Association (Edinburgh) and the resignation of Jim Muldoon, Scottish Taxi Federation representative from the Consultation Group.

(Reference – report by the Director of Corporate Services, submitted.)

8 Wheelchair Accessible Taxis – Fitness of Taxi Drivers

The Director of Corporate Services provided details of 4 requests from taxi drivers for exemption from compliance with Condition 132 of the Council's Standard Licensing Conditions for Taxis etc on the basis of a medical condition.

The Council's Medical Adviser had recommended that the exemptions be granted, as detailed in the Appendix to the report by the Director of Corporate Services. Since the introduction of the revised arrangements for the monitoring and reporting of exemptions, a total of approximately 167 drivers currently held certificates of exemption.

Decision

To grant the exemptions as detailed in the report by the Director of Corporate Services.

(Reference – report by the Director of Corporate Services, submitted.)

9 Taxi Licence Officer's Monthly Report

Decision

To note the report.

(Reference – report by the Director of Corporate Services, submitted.)

10 Resolution to Consider in Private

The Committee, under Section 51(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

11 Applications for Miscellaneous Licences – Civic Government (Scotland) 1982 and Door Steward Registration Scheme

The Convener ruled that items B1.6 to B1.11 as detailed in the Confidential Schedule, be ruled urgent in order that they could be considered timeously.

The Director of Corporate Services provided details of 11 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and the Door Steward Registration Scheme.

Councillor Shiels declared a non-financial interest in Item B1.11 and took no part in the discussion and decision.

Decision

The applications be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – list of applications, submitted and tabled.)

Dissent

Councillor Shiels dissented from the second part of the decision for Item B1.7 as detailed in the Confidential Schedule.

12 Complaint – Private Hire Car Operator's Licence

The Director of Corporate Services provided details of action taken by him in consultation with the Convener, in terms of Standing Order 91, to suspend a Private Hire Car Operator's Licence in response to a complaint from the Chief Constable against the licence holder. The Committee was invited whether or not to continue suspension of the licence.

The Licence Holder was heard.

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Decision

- 1) To note the action of the Director of Corporate Services in consultation with the Convener of the Regulatory Committee to suspend a Private Hire Car Operator's Licence with immediate effect on 15 September 2006.
- 2) To continue the suspension and consideration of the matter for one month to allow the licence holder to have the services of an interpreter.

(Reference – report by the Director of Corporate Services, submitted.)

13 Complaint – Private Hire Car Operator's Licence

The Director of Corporate Services provided details of action taken by him in consultation with the Convener, in terms of Standing Order 91, to suspend a Private Hire Car Operator's Licence in response to a complaint by the Chief Constable against the licence holder. The Committee was invited to consider whether or not to continue suspension of the licence.

The licence holder was heard.

Decision

- 1) To note the action taken by the Director of Corporate Services in consultation with the Convener of the Regulatory Committee to suspend a Private Hire Car Operator's Licence with immediate effect on 15 September 2006.
- 2) To continue the suspension until the car was certified as roadworthy by the Taxi Examination Centre.
- 3) That the licence holder attend the Conditions of Licence and Road Safety Issues Course at Telford College, at his own expense, with proof of attendance to be submitted to the Council Solicitor within three months of the car being certified roadworthy.

(References – report by the Director of Corporate Services, submitted; letter from the Chief Constable, tabled.)

14 Taxi Driver's Licence – Suspension – Training Incomplete

The Director of Corporate Services reported on a Taxi Driver's failure to pass the topographical test or complete any of the five modules in the Taxi Driver's Skills Development Course and to seek a decision on the suspension of his licence.

Decision

To suspend the licence with immediate effect until proof that the required training had been undertaken was submitted to the Council Solicitor.

(Reference – report by the Director of Corporate Services, submitted.)

15 Certificate of Fitness – Taxi Driver’s Licence

The Director of Corporate Services provided details of a report by the Council’s Medical Adviser against the holder of a Taxi Driver’s Licence advising that he was now unfit to drive and invited the Committee to consider whether or not to suspend the licence.

Decision

To suspend the licence with immediate effect.

(Reference – report by the Director of Corporate Services, submitted.)

16 Certificate of Fitness – Taxi Driver’s Licence - Renewal

The Director of Corporate Services provided details of a report by the Council’s Medical Adviser against the holder of a Taxi Driver’s Licence advising that he was now unfit to drive and invited the Committee to consider whether or not to renew the licence.

The licence holder was heard.

Decision

To grant renewal of the licence.

(Reference – report by the Director of Corporate Services, submitted.)

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APPENDIX 1
(As referred to in item 2)

APPLICATIONS FOR STREET TRADER'S LICENCES

Item No	Applicant	Premises/ Location	Proposed Hours Variations Requested	Determination Date	Decision
4.1	Birol Bilginer (Renewal)	Hope Street	Mon-Sun 9am-11pm	16.11.06	To continue consideration for one month for a further report from the Director of Services for Communities on the suitability of alternative sites in the area.
4.2	Birol Bilginer (Renewal)	Rutland Place	9am-11am	16.11.06	To grant the licence sought subject to the Council's standard licensing conditions for this category of licence.
4.3	Gentleman Jack's and Glynn Fielding (Renewal)	Hope Street opposite Rutland	9am-11pm	11.10.06	To grant the licence sought subject to the Council's standard licensing conditions for this category of licence.