

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 6 AUGUST 2015**

**INSPECTION OF TAXIS AND PRIVATE HIRE CARS**

**REPORT BY SHEONA C HUNTER, HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT**

The purpose of this Report is to advise members of further developments regarding the testing of taxis and private hire vehicles in Angus.

**1. RECOMMENDATION(S)**

It is recommended that the Committee:

- (i) notes that Police Scotland have concluded their review of the testing station at Forfar and have now closed the unit with effect from 1 April 2015,
- (ii) agrees that interim arrangements with Dundee City Council to use their testing facilities be approved subject to a further review in 2016; and
- (iii) agrees that quarterly meetings be instituted between relevant officers of the Council and representatives of the Angus Taxi Association to discuss issues of mutual interest.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- (i) Angus is a good place to live in, work in and visit; and
- (ii) Our communities are safe, secure and vibrant.

**3. BACKGROUND**

Reference is made to report 191/15 considered by this Committee at its meeting on 14 May 2015. At that meeting, the Committee received a delegation from Mr Neil Gibson of Angus Taxi Association. Consideration of that report was deferred to this meeting of the Committee.

The inspection of taxis and private hire vehicles was considered in Report 45/14 when the Civic Licensing Committee agreed that discussions would continue with Dundee City Council for the provision of replacement testing facilities should the Police facility in Forfar close. On 18 September 2014 notification was received from Police Scotland that they intended to close the unit and letters were sent to all taxi operators at that time. A public meeting in Montrose was arranged by Taxi Operators and attended by the Principal Solicitor formerly responsible for licensing. At that meeting members of the trade made it clear that they were not content with the interim arrangements proposed by the Council and that their preference would be for garages throughout the burghs to be authorised to carry out the relevant inspections.

A further public meeting was held in Arbroath on 23<sup>rd</sup> January with all taxi operators being invited. Operators re-iterated their opposition to the proposed use of the Dundee City Council testing facility and again proposed that garages within each of the Burghs should be used for testing instead.

Members will recall that some four years ago when a backlog of Police vehicles being tested at the Forfar facility resulted in testing of taxi licenced vehicles being relocated, on a temporary basis, to the Dundee City Council facility. At that time it was considered that the service offered by Dundee City Council was excellent with none of the delays or problems which had been experienced at the Police testing facility being apparent. In these circumstances, officers considered that the use of Council premises, albeit Dundee City Council premises was an appropriate interim solution.

Representations received from the trade continue to express dissatisfaction with having to travel to Dundee for the annual test.

However from reports from the previous use of Dundee City Council's facility, there appeared to be fewer delays, inspection slots are able to be fitted in more quickly facilitating the inspection of substitute vehicles within a reasonable period and reports from our previous use indicated that the trade were satisfied with the service offered by Dundee City Council. This view continues to be held by the trade despite their opposition to the transfer of the service to Dundee.

It is a requirement of the Civic Government (Scotland) Act 1982 (Section 11(1)) which states "the holder of a taxi or private hire car licence shall present to the taxi or private hire car for inspection and testing by or on behalf of the licensing authority within such period and at such place as they may by notice reasonably require". Accordingly, it is for the Council to determine the provision of vehicle testing.

#### **4. FUTURE CONSIDERATION**

The proposal to use the existing Dundee City Council facility will be reviewed within the first half of 2016. The purpose of waiting to carry out the review for that period is to allow the transfer of fleet services to Tayside Contracts to settle and to assess whether or not the Tayside Contracts vehicle inspection facility could be used by Angus Council for the taxi inspections. By using Tayside Contracts, the council would avoid any allegations of influence being exercised as that organisation has no commercial involvement in vehicle maintenance.

However, if Tayside Contracts cannot facilitate the taxi testing, officers will investigate the use of suitably qualified and resourced local garages and key to this will be the ability of the Council to resource multiple test sites to ensure quality control and the appetite of garages to take on the testing at rates comparable to those secured through Dundee. A further consideration is public assurance and confidence in the testing system and also to ensure the requirement to have meters tested to ensure the relevant compliance. Members are asked to note that further discussions will take place with the trade should a single site for testing not be an option but the trade have been advised that whatever model is agreed it will be one based on full cost recovery.

Notification has been received that an Angus Taxi Association has been formed and, taking account of the disquiet expressed by that organisation on behalf of the trade, it appears that communications between the Council and the Taxi/Private Hire Trade could be improved. To that end, it is recommended that Council officers meet representatives of this Association on a quarterly basis to discuss emerging issues of mutual interest. A representative of Police Scotland will also be invited to attend the Group.

#### **5. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this Report.

#### **6. OTHER IMPLICATIONS**

##### **Risks**

The Council is obliged to ensure that taxis and private hire cars are regularly inspected to ensure that they are roadworthy and safe to carry passengers. As Police Scotland have discontinued their current testing arrangements, the Council has required to put in place alternative arrangements.

### **Human Rights Implications**

In dealing with the matters set out in this Report the Council will have regard to any human rights issues.

### **Equality Implications**

The issues contained within this Report fall within an approved category that has been confirmed as exempt from an equalities perspective.

**NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report Nos 45/14 and 191/15

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