

TAXI OPERATORS AND PRIVATE HIRE OPERATORS FORUM

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 27th April 2011 at 10.30 a.m.

Present: Councillors Peter Convery (Chair) and Ian Fitzsimmons; Karen Briggs, Principal Solicitor; Claire Neillie, Solicitor; Morag Douglas, Licensing Policy and Administration Officer; Donna Scobie, Licensing Monitoring Officer; Bobby Howe, Fleet Manager; Dale Woodward, Fleet Inspector; Blair Wyllie, Supervisory Engineer – Traffic; and Janice McClure, Committee Administrative Officer.

Apology: Councillor Alec Oattes.

Attending: J. McGuire and F. Berthaud, South Ayrshire Taxi Owners Association; M. Wilkinson, South Ayrshire Private Hire Association; M. Wilkie, Streamline Taxis; R. Fisher, Hannah's Taxis; and M. and H. Ankers, South Ayrshire Access Panel.

Also Attending: Sergeant U. Menzies, Strathclyde Police.

1. Chair's Remarks.

The Chair welcomed members of the Forum to this meeting.

2. Minutes of previous meeting.

The Minutes (issued) of the Taxi Operators and Private Hire Operators Forum of 25th January 2010 were submitted.

Decided: to approve the Minutes as a correct record.

3. Update from Licensing Monitoring Officer.

The Licensing Monitoring Officer

(1) advised

- (a) on the Taxi and Private Hire failure figures for the last six months submitted to her by Kerr & Smith who carried out the Annual Test on behalf of this Authority;
- (b) that of the 131 fleet of Hackney vehicles, 67 had been tested and of those 36 had failed from 1st October 2010 to the end of March 2011 which was over 50% for this period; and
- (c) that three tests had been abandoned midway through as those vehicles were not fit enough to have the test completed with the reasons for the failures being in breach of the Operator's Licence;

- (2) outlined
- (a) the reasons for some of the most frequent failures;
 - (b) that the Operator of a Taxi or Private Hire Vehicle had an obligation to advise the Council's Licensing Section if their vehicle had been accident damaged and the vehicle must then be re-inspected before going back on the road;
 - (c) that there had recently been a number of cases when accident damaged vehicles had been found on the road;
 - (d) that from 1st October 2010 to the end of March 2011, of the total fleet of 167 Private Hire Vehicles, 95 had been tested and of those 8 had failed; and
 - (e) the reasons for the Private Hire Vehicles failing the test; and
- (3) indicated
- (a) that, as explained at the last meeting of the Taxi Forum, all Operators must ensure that their Taxi or Private Hire Vehicle was in a proper state of repair at all times and not just on the day of the test;
 - (b) that the failure reports had shown that many of the reasons for the failures had been on aspects which directly affected the safety of the vehicles and, as a result, the safety of the drivers and passengers; and
 - (c) that the reasons for submitting this report to the Forum were:-
 - (i) to highlight that there were problems with vehicles failing and to implore Operators to be more vigilant in maintaining their vehicles when the safety of their drivers and the general public could potentially be at risk; and
 - (ii) to bring to the attention of the Operators that the level of failures had resulted in joint enforcement with the Traffic Police being planned for the near future which would involve roadside safety checks.

The Chair expressed his concern at this very serious issue and outlined that steps required to be taken to reduce the number of failures; that he wanted the public to be confident that all vehicles on the road were safe, however, Strathclyde Police requiring to carry out a joint enforcement project with Licensing was not a good image to project to the public.

Members of the Forum advised

- (1) that it would be beneficial if the Licensing Section could issue each taxi firm/booking office with a letter outlining the problems and reminding them of their responsibilities;
- (2) that a preferred option for the taxi operators would be that taxis up to six years of age be tested once per year and those over six years tested twice a year which would give further checks on all vehicles and would reduce costs for Operators and was in line with London taxis;
- (3) that problems with taxis were also arising due to the poor condition of the roads in South Ayrshire; and
- (4) that the Licensing Section could monitor the condition of taxis by requiring service records for all taxis and private hire vehicles.

Following a question from a member of the Forum regarding the practicalities of the Licensing Section working with Strathclyde Police on the joint enforcement initiative, the Licensing Monitoring Officer advised that she would carry out her check at which time Strathclyde Police would undertake a safety check, take enforcement action if required and she would then report all action taken to the Regulatory Panel.

Decided: to note the position in relation to taxi and private hire vehicle tests and that the Licensing Monitoring Officer would write to or visit every taxi firm/booking office outlining the problems and reminding them of their responsibilities.

4. **Ranks.**

The Supervisory Engineer – Traffic advised

- (1) that he was aware of the problems with taxi ranks and he had compiled a list of all full-time and part-time ranks in Ayr, Prestwick and Troon and that the Roads Section would be happy to re-examine these ranks and adjust the number of spaces in ranks as necessary to provide more spaces where demand existed and remove spaces where not required, however, these proposals would require to be put out to public consultation in the first instance;
- (2) that he had attended a meeting with SafeAyr Group and had discussed making the Douglas Street, Ayr rank a legal rank in the evenings as these were spaces for voucher parking during daytime and were often full in the evening; and
- (3) that he wished to work in conjunction with the appropriate organisations and with the taxi trade to provide more appropriate provision of taxi ranks for taxi operators and taxi users and steps could then be taken to amend the appropriate Traffic Regulation Orders, however, this was a lengthy process and open to objections.

Decided: that a meeting be arranged with the Supervisory Engineer – Traffic and the representatives of the taxi trade to discuss taxi ranks.

5. **Update on SafeAyr Group.**

The Licensing Policy Officer advised that the SafeAyr Group was seeking representatives from the taxi trade to attend the SafeAyr Working Group and the Chair urged the members of the Forum to attend this Group as it was important that the trade were heard.

Decided: to note the request from the SafeAyr Group for representatives from the taxi trade to attend.

6. **Amendments to Civic Government (Scotland) Act.**

The Licensing Policy Officer outlined some of the changes in the Civic Government (Scotland) Act advising

- (1) that the timescale allowing objectors to submit an objection to a new application had been extended from 21 days to 28 days; and

- (2) that a driver must hold a driving licence for one year before applying for a taxi licence, therefore, if a driver had been disqualified from driving, they would require to wait for one year following the return of their driving licence before they could obtain a taxi licence.

Decided: to note the amendments to the Civic Government (Scotland) Act.

7. **Consultation on Best Practice Guidance.**

The Licensing Policy Officer outlined that the Council would be making a response to the Scottish Government on the Consultation on Best Practice Guidance and that the taxi trade was advised to also respond to this document by the closing date of end June 2011.

Decided: to note the closing date of end June 2011 for responding to the Scottish Government on the Consultation on Best Practice Guide.

8. **Meters.**

The Licensing Monitoring Officer advised

- (1) that the Licensing Section had been receiving complaints from members of the public regarding incorrect fares being charged with the most common complaints being received from people who made regular use of taxis for an identical journey and who were aggrieved by the discrepancy in fares being charged, with one complainer being charged from £2.80 to £5.00 for the same journey;
- (2) that, following discussions with drivers about these complaints it had become clear that some drivers were charging distance correctly as provided for in the metered fares, however, others were charging on the basis of time and distance which was not approved by Licensing and, therefore, meters should be incapable of charging on that basis;
- (3) that the fare structure had recently been revised and no operators had suggested that time and distance should be the basis for metered fares, therefore, all meters should be rendered incapable of charging on a basis other than distance travelling which all operators should have their meters amended to accordingly, however, if they did not, further action might be taken against them; and
- (4) that there was no justification for having more than two tariff buttons when only fare and fare and a half for larger taxis was required, however, the driver could use his discretion and charge a lower fee but the current situation was resulting in some drivers using the distance and time button which was not permitted and, as a consequence, members of the public were feeling confused and disgruntled.

Members of the Forum advised

- (a) that the majority of local authorities used time and distance meters and to immobilise the meters to be distance only would alleviate being able to charge waiting time;
- (b) that the wording of the Civic Government (Scotland) Act suggested that fees should be charged on time and distance;

- (c) that where multiple tariffs were permitted on a meter, this was open to abuse by drivers; and
- (d) that they were regularly requested to stop at shops and were required to wait on the passenger,

and the Licensing Policy Officer outlined that if a driver was requested to stop at shops they could charge waiting time as this was covered in the fare structure and that she would require to meet with meter companies to clarify what could and could not be set on the meters.

Decided: that the meeting to discuss taxi ranks should also include discussions on meters and fares.

9. **Testing of Vehicles.**

Members of the Forum outlined

- (1) that they would like a review of the taxi tests to be undertaken due to the exorbitant cost of these tests;
- (2) that the Best Practice Consultation Document recommended that more than one testing station be utilised to ensure that a monopoly was not created, however, South Ayrshire Council had created a monopoly with only Kerr & Smith carrying out MOTs;
- (3) that, although they acknowledged that the tests required to be carried out, a monopoly had been created with Kerr & Smith and, as local authorities tried to give Best Value, the testing of these vehicles should be opened up to competition;
- (4) that, as the Council was now tied into a four year contract, Kerr & Smith could increase the fees during the term of this contract; and
- (5) that there were anomalies in the costs as Kerr & Smith were charging VAT.

The Licensing Policy Officer advised that the Council had a four year contract with Kerr & Smith and was in the third year of this, therefore, this could not be reviewed at present, the MOT was an integral part of the taxi test and that she would shortly have a response for the Forum members regarding the charging of VAT.

The Chair further indicated

- (a) that a competitive tendering exercise had been carried out to ensure that Best Value was achieved with regard to the testing of vehicles; and
- (b) that when the four year contract had expired, this contract would be re-examined.

The Fleet Manager outlined that Kerr & Smith could only increase the fares in line with the contract, however, should the members of the Forum be unhappy with any aspect of their test, they should contact VOSA.

Decided: to note the position with regard to the testing of vehicles.

10. Private Hire Ranking on Taxi Ranks.

A member of the Forum advised

- (1) that since the inception of the SafeAyr Group private hire vehicles had been permitted to enter Boswell Park area where other vehicles were banned in the evening;
- (2) that private hire drivers were stopping in ranks on High Street, Ayr and he had written to Strathclyde Police who said they would monitor the situation but nothing had changed;
- (3) that private hire drivers were picking up passengers off the street without taking the booking through their office which left them uninsured to drive the passenger;
- (4) that many private hire drivers were sitting in the car park at the end of Carrick Street, Ayr which was a public road as the public had unrestricted access and they were plying for hire; and
- (5) that he had spoken to Inspector Ramsay of Strathclyde Police regarding this problem,

and the Chair advised that Sergeant McVean had been moving drivers from the Carrick Street car park, however, this problem was continuing as this was private ground and the Police had no authority to move the drivers and the Supervisory Engineer – Traffic further advised that from a Roads Section perspective, a car park was not a road, therefore, presuming that the drivers were in the car park with the consent of the owners, this was acceptable and Strathclyde Police could not move the drivers on.

The Licensing Policy Officer outlined that private hire drivers who parked in a car park could only take fares from those who had pre-booked through the taxi office and that stickers were currently being produced saying “Pre Booked Hires Only” and including the plate number of the vehicle to attempt to alleviate the problem, however, private hire drivers who accepted passengers who had not pre-booked was a matter for Strathclyde Police.

Decided: that Sergeant Menzies would liaise with Inspector Ramsay and advise him that the problems experienced by taxi drivers of private hire drivers stopping in taxi ranks and taking fares from people who had not pre-booked was continuing.

11. Six and Seven Seater Standards.

A member of the Forum outlined

- (1) that her application for a seven seater long wheeled base vehicle with fixed seat had been refused and she had been advised that, for approval of the vehicle to be granted, the fixed seat should be a flip seat which she had altered at considerable cost and there were now several vehicles on the road with fixed seats and she was seeking clarification on this matter; and
- (2) that several Hackney cabs were currently on the road with no heater in the back of the vehicle.

The Licensing Policy Officer advised that the Licensing Standards were extremely detailed, however, it was Kerr & Smith who tested the vehicles and that she would investigate these matters.

Decided: that the Licensing Policy Officer and Fleet Manager would meet with a representative of Kerr & Smith to discuss these matters.

12. **The Age Restriction On All Vehicles.**

A member of the Forum outlined that due to the Council's Policy regarding the age limit of vehicles, vehicles which were fit for purpose were having to be taken off the road at a time when drivers could not afford to buy new vehicles and the Chair advised that, while he sympathised with the operators, this issue had been re-examined by the Regulatory Panel in June 2010 when it was agreed to maintain the existing standards and would not be examined again in the near future.

Decided: to note the position in relation to the age restriction on all vehicles.

13. **Age of Minibuses.**

A member of the Forum outlined that her minibus, which was regarded as a private hire vehicle, was now six years old and she was required to take it off the road, however, she could not afford to replace this vehicle; and that these vehicles were built to last longer than six years, cost more than a private hire car and did considerably less mileage than private hire cars and the Fleet Manager advised that if a vehicle was suitable to be a Hackney, it could be licensed as a taxi, however, this operator's vehicle was licensed as a private hire vehicle and, therefore, had the same lifespan as a private hire car.

Decided: that Councillor Fitzsimmons, as Chair of the Regulatory Panel would liaise with the Licensing Policy Officer on this matter.

14. **Late Issuing of Taxi Badges.**

A member of the Forum outlined that problems had been experienced in obtaining taxi badges timeously from the Licensing Section which had led to drivers operating with invalid badges and the Licensing Policy Officer advised that certain taxi badges could be issued to drivers under delegated powers, however, it was the responsibility of each driver to submit their application in sufficient time to allow the Licensing Office to hold their application for the statutory 28 day period during which someone could submit an objection and, should their application require to be heard by the Regulatory Panel, the agenda for this Panel was compiled two weeks in advance, therefore, an application should be submitted to the Licensing Office six weeks prior to expiration, however, as long as the renewal application was submitted before the licence in existence expired, the driver was entitled to drive the taxi/private hire vehicle and a receipt was issued to the driver highlighting that he/she was entitled to drive the vehicle should he/she be stopped by Strathclyde Police.

Decided: to note the timescales within which taxi/private applications should be submitted to the Licensing Section.

15. Fixed Penalties for Private Hire Vehicles in Sandgate.

A member of the Forum outlined that his colleague had been issued with a fixed penalty for setting down passengers in Fort Street, Ayr and enquired how this problem could be rectified and Sergeant Menzies advised that, should a driver double park their vehicle, they could be charged with causing an obstruction and the Police Officer who had issued the fixed penalty obviously believed the driver's vehicle to be a serious risk to other road users and that taxis and private hire vehicles were no different to other car drivers in this respect and, should they obstruct the traffic, they would be issued with a fixed penalty notice.

Decided: that Sergeant Menzies would discuss this matter with the Community Inspector and report back to the next meeting of the Taxi Forum.

16. Any Other Business.

The Licensing Policy Officer advised that Troon Private Hire Association had requested that the Private Hire Vehicle standards be re-examined as a member of the Association wished to utilise a 1400cc vehicle.

Decided: that Councillor Fitzsimmons, as Chair of the Regulatory Panel would liaise with the Licensing Policy Officer on this matter.

17. Date of Next Meeting.

Decided: that the date of the next meeting of the Taxi and Private Hire Operators Forum would be agreed in conjunction with the Chair and that all members of the Forum would be advised of this date in due course.

18. Chair's Remarks.

The Chair thanked all those present for their attendance and contribution.

The meeting ended at 12.40 p.m.