

Public Document Pack



To: Councillor Boulton, Convener; and Councillors Blackman, Corall, Cormie, Forsyth, Grant, Graham, Len Ironside CBE, Kiddie, MacGregor, Malik, Malone, Nathan Morrison, Reynolds and Townson.

Town House,
ABERDEEN 18 March 2013

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 26 MARCH 2013 at 10.00 am.**

JANE G MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

1 MINUTES AND INFORMAL BUSINESS

- 1.1 Minute of Previous Meeting of 29 January 2013 (Pages 5 - 16)
- 1.2 Minute of Meeting of the Taxi Consultation Group of 4 March 2013 (Pages 17 - 24)

2 Applications for Licences / Notification of Procession - List of Applications (Pages 25 - 26)

- 2.1 Renewal of an Indoor Sports Entertainment Licence - Aberdeen Sports Village Ltd (Pages 27 - 28)
- 2.2 Renewal of a Public Entertainment Licence - Aberdeen Sports Village (Pages 29 - 30)

- 2.3 Renewal of a Sex Shop - Pluspath Ltd - Q.T, 517 George Street (Pages 31 - 34)
- 2.4 Grant of a Late Hours Catering Licence - Cafer Karahan, 11A Rose Street (Pages 35 - 38)
- 2.5 Grant of a Street Trader (General) Licence - Barber Bus Limited (Pages 39 - 50)
- 2.6 Temporary Grant of a Private Hire Car Licence - Christopher Winpenny, Aberdeen Cab Co (Pages 51 - 52)
- 2.7 Notification of a Proposed Procession - Aberdeen Students' Charities Campaign (Pages 53 - 72)

3 REPORTS

- 3.1 Licence Application Fees: April 2013 to March 2014 - CG/13/035 (Pages 73 - 84)
- 3.2 Variation of Taxi and Private Hire Drivers Licence Conditions - Statutory Updates in Respect of Medical Exemptions - CG/13/034 (Pages 85 - 102)

4 COMMITTEE BUSINESS STATEMENT

- 4.1 Committee Business Statement (Pages 103 - 106)

5 Application for Grant, Renewal or Variation of Licences - List of Applications to be Heard in Private

- 5.1 Grant of a Street Trader (Employee) Licence
- 5.2 Renewal of Booking Office Licence

Website: www.aberdeencity.gov.uk

To access the Information Bulletins for this Committee please use the following link:
<http://committees.aberdeencity.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13012&path=13004>

Should you require any further information about this agenda, please contact Mark Masson, tel. 52(2989) or e-mail mmasson@aberdeencity.gov.uk

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Agenda Item 2.1

From: Kenny Simpson
To: Bill Gordon
CC: LicensingCommittee
Date: 05/03/2013 15:54
Subject: Aberdeen Sports Village

Hi Bill

Having inspected the sports village comments were passed to the management with regard to the ongoing maintenance of their fire doors and the management of the external escape routes during the construction of the adjacent swimming pool. Additional escape signage has been recommended within the large sports hall.

On the basis that these recommendations are implemented, Building Standards have no objections to the issuing of the licence

Regards
Kenny

Kenny Simpson
Team Leader
Building Standards
Strategic Leadership
Aberdeen City Council
Marischal College
Business Hub 4
Broad Street
Aberdeen
AB10 1AB
Tel. 523362 Fax. 523180

We are committed to improving the quality of the service we provide and would like to know your views on the service you have received.

By clicking on <http://www.aberdeencity.gov.uk/customerfeedback> selecting Building Standards and filling out the online feedback form, you will be helping us learn what we need to do better

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Agenda Item 2.2

From: Kenny Simpson
To: Bill Gordon
CC: LicensingCommittee
Date: 05/03/2013 15:54
Subject: Aberdeen Sports Village

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MISS J. R. CHANDLER

13/2/2013

Planning Department / Licensing Board
Aberdeen City Council
Marischal College
Broad Street
Aberdeen
AB10 1AB

RECEIVED
22 FEB 2013

Dear Sir,

I wish to strongly object to the proposals for two sex shops on George Street and one in Diamond Street, and hope it's not too late to. I feel that that would be a blot on our character. Aberdeen is a respectable

reputable, decent city where such things
are discreetly kept behind closed
doors / not mentioned publicly normally
(I hope). I don't want it to turn
into a place you'd be unable to
go, or take children / disabled ^{people} / OAP's
to, for fear of violence, rudeness, vul-
garity / immodesty / swearing and/or talk
of sex - or being robbed, attacked, raped
or killed. I don't want to turn ^{our} quiet
^{back} ^ streets into no-go areas where bad
deeds are done, (like parts of London, I
believe), nor ^{our} ^ main streets either, for that
matter. Nor do I want myself or
others disrespected by men who think
we exist merely to be used for

their pleasure, then dumped. We do NOT.
We are entitled to respect and politeness and to be left alone in peace to go shopping, etc. without men/women demeaning everyone they meet by thinking us their next victim. These shops are disgusting and demeaning to women and should not be allowed to spread across Aberdeen or Scotland like the plague. They should all be banned permanently so that children/disabled people don't go thinking they're respectable places to go to, or that sex outside marriage is right, or sleeping with umpteen people clever/right/

funny/"just a bit of fun". I hope families / care homes / schools etc. teach young people right from wrong over that and everything else. Please refuse these plans, for the sake of decency and propriety, or we shall have idiots who think these places as respectable as chemists or butchers, and we'll lose our good reputation for decency. They're a bad influence / bad example. Yours faithfully,

Planning & Sustainable Development	
Mail ID	28813
RECEIVED	22 FEB 2013
REPLY	15 10 2013
Section	DM
Officer	DL

[REDACTED]

Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB
Phone: 01224 523470
Fax: 01224 523180
Email: pi@aberdeencity.gov.uk

18th February 2013

For the attention of Aberdeen City Planner

We are the following business owners (listed below) of Rose Street, Aberdeen, AB10 1TX, we strongly reject an application for A3 hot food licence for the purpose of the premises 11A Rose Street, Aberdeen AB10 1TX, which had been submitted by:

Gafer Karahan

[REDACTED]

[REDACTED]

[REDACTED]

Reasons for rejection stems from the following:

1 - Gafer Karahan has an existing business in Union Street under the name: "Eduardo's Leather" shop, he personally run this business. Which means Gafer Karahan does not have time to run this hot food business personally.

2 – Gafer Karahan opened Istanbul Kebab and Meze Cuisine premises in Union Street, but he failed to run the business, hence he handed over the business to other colleague, who in turn could not run such business. Currently Istanbul closed on Friday 15th February 2013.

3 – Our businesses will be effected by such licence should the council approve this application. We have already 4 hot food premises (Kebab outlet) within this area named as follows:

A – Efes Kebab pizzas take away in 5 Chapel Street Aberdeen, AB10 1SQ

B – Istanbul Kebab and Meze Cuisine 429 Union St, Aberdeen AB11 6DA

C – Meze House Bar Cafe Restaurant and Take away 3 Rose Street, Aberdeen, AB10 1tx

D – Marmaris Kebab 21 Rose Street, Aberdeen, AB10 1TX

4 – It is unfair for Gafer Karahan to obtain a hot food licence; then Gafer Karahan will refurbish 11A Rose Street, Which he may sell the business at later date, as it happened in the case of Istanbul.

List of Businesses rejecting this application

A Alteration

Person Name	Business Address	Telephone Number	Signature
	8 Rose Street	01224 648277	
	Aberdeen		
	AB10 1UA		

Yummy House

Person Name	Business Address	Telephone Number	Signature
Gwen He	10 Rose Street	01224 646 344	[Redacted]
	Aberdeen		
	AB10 1UA		

Food Story Coffee Shop

Person Name	Business Address	Telephone Number	Signature
Cara Bishop	22 Rose Street	01224 622293	[Redacted]
	Aberdeen		
	AB10 1UA		

Marmaris

Person Name	Business Address	Telephone Number	Signature
MAL GUARDUL ABDUL MALIK	21 Rose Street	01224 641052	[Redacted]
	Aberdeen		
	AB10 1TX		

Shebaz Restaurant

Person Name	Business Address	Telephone Number	Signature
	19 Rose Street	01224 641786	
	Aberdeen		
	AB10 1TX		

Ban Thai Restaurant

Person Name	Business Address	Telephone Number	Signature
Seksan	21 Rose Street	01224 639155	
	Aberdeen		
	AB10 1TX		

John Park Jeweller

Person Name	Business Address	Telephone Number	Signature
JOHN A. PARK	17 Rose Street	01224 646599	[REDACTED]
	Aberdeen		
	AB10 1TX		

I FEEL THAT THIS SHOULD BE REJECTED ON THE GROUNDS THAT THERE ARE ALREADY AN
 OVERPROVISION OF HOT FOOD TAKE AWAY IN THE AREA - CHANGE OF USE SHOULD NOT BE
 GRANTED, RETAIL SHOULD STAY.

Light of Bangal Restaurant

Person Name	Business Address	Telephone Number	Signature
N. AHMED	13 Rose Street	01224 648224	[REDACTED]
	Aberdeen		
	AB10 1TX		

Rose Street Shoe Repair

Person Name	Business Address	Telephone Number	Signature
GARY SCOTT	7 Rose Street	01224 630350	[REDACTED]
	Aberdeen		
	AB10 1TX		

Thai Cottage

Person Name	Business Address	Telephone Number	Signature
M. EL-SHARAWI	9 - 11 Rose Street	01224 633444	[REDACTED]
	Aberdeen		
	AB10 1TX		

Meze House

Person Name	Business Address	Telephone Number	Signature
MELBE HADJIE	3 - 5 Rose Street	01224624203	[REDACTED]
	Aberdeen		
	AB10 1TX		

We would like to receive feedback on our rejection submission to the above mentioned A3 hot food
 Licence application.

On the behalf of Business owners of ROSE STREET, ABERDEEN, AB10 1TX, we would like thank
 Aberdeen City Council Planner for allowing us the opportunity in putting our opinion forward.

Many thanks

A Alteration	Name.....	Signature.....
Yummy House	Name..... <i>Emilie He</i>	Signature..... [Redacted]
Food Story	Name.....	Signature.....
Marmaris	Name..... <i>M. R. GUARDU</i>	Signature..... [Redacted]
Shebaz	Name.....	Signature.....
Ban Thai	Name.....	Signature..... [Redacted]
John Parker	Name..... <i>J. A. PARK</i>	Signature..... [Redacted]
Light of Bangal	Name.....	Signature..... [Redacted]
Thai Cottage	Name..... <i>M. EUSEBIO ME</i>	Signature..... [Redacted]
Rose Street Shoe Repair	Name..... <i>GARY SLOTT</i>	Signature..... [Redacted]
Meze House	Name..... <i>M. EUSEBIO ME</i>	Signature..... [Redacted]



Keeping our communities safe

Our Ref: RPD 207 - 2012/13

Your Ref:

Date: 22 January 2013

Tel: 01224 489300

Fax: 01224 491842

Keith.Middler@grampian.pnn.police.uk

www.grampian.police.uk

The Licensing Team
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AQ

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Mr Anderson

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – LICENSING OF TAXIS AND PRIVATE HIRE CARS AND DRIVERS – OBSERVATION TO THE GRANT OF A PRIVATE HIRE CAR OPERATOR'S LICENCE – CHRISTOPHER WINPENNY

I refer to the above application which was lodged on 22 January 2013 and wish to bring to the Committee's notice the following circumstances concerning the application.

Mr Winpenny has recently purchased the white Mercedes E320 registration number [REDACTED] with the intention of operating it as a Private Hire car. The vehicle was first registered in March 2000 which means it is older than the four year age ceiling which the Licensing Committee normally operate for new licence grants.

Mr Winpenny is aware of the council policy but feels that this vehicle is in pristine condition and would be an asset to the Aberdeen City Council private hire fleet. He has known the vehicle since it was new and it has only had one previous owner. The cost of the vehicle when first purchased was in excess of £40,000. There is a full Mercedes service history.

The vehicle has been inspected by me and is in immaculate condition. I have no objection to this vehicle being permitted as a Private Hire car. As the vehicle has a personalised plate, it's actual age is not evident. A photograph of the vehicle is attached.

This report is submitted to the Committee for any action they deem appropriate.

Yours faithfully,

[REDACTED]
Taxi Inspector

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ABERDEEN CITY COUNCIL

NOTICE UNDER SECTION 62 OF THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 OF A PROPOSED PROCESSION IN PUBLIC

Note: In terms of Section 62(2) of the Civic Government (Scotland) Act 1982, the minimum notice that you are required to give of your intention to hold a public procession is 28 days. Organisers should always endeavour to give further notice where possible. If you cannot meet the minimum notice period, the Council may waive such requirement, but only in exceptional circumstances and following consultation with the Chief Constable.

You should read the attached Policy/Guidance note on Public Processions and fill in all sections of this form. You must also complete and return a risk assessment form.

Please complete and sign this form and take 2 copies. Thereafter -

- (1) Send the original to Litigation and Licensing, Legal and Democratic Services, Aberdeen City Council, Business Hub 6 L1S, Marischal College, Broad Street, Aberdeen, AB10 1AB.
- (2) Send a copy to Grampian Police at Events Planning Unit, Aberdeen Division, Queen Street, Aberdeen, AB10 1ZA
- (3) Keep a copy for yourself.

Please complete the following details:

Organiser: Name Adam Khan.
Address Bhtchart centre
University Road
Aberdeen
Post Code AB24 3UT
Tel No. [REDACTED]
Mobile No. [REDACTED]
E-mail Address [REDACTED]

(Please provide these details as this will enable us to contact you as soon as possible)

Organisation Aberdeen Students Charities Campaign
Date and Time of Procession 27/4/2013, 7.30pm
Reason for Procession Collection for Charitable Cause

Proposed Route Schoolhill, Rosemount, Carden Place,

(Please attached plan if available)

Albyn Place, Union Street, King Street (Also gallowgate, Skene Street).

Estimated Number of (1) Participants 500. (2) Vehicles 55

Arrangements for Controlling Procession Stewards in place, strong police presence, restrictions on activities on floats

Number of Stewards 150 Number of Buses/Coaches -

Name of any Band(s) Participating Various drumming groups.
Each float will be equipped with speakers and a generator.

Please list the processions in which you have acted as organiser over the last three years -

<u>Date of Procession</u>	<u>Organisation</u>

I, the organiser, have read the Council's Code of Conduct on Processions and agree to keep to its Standard Conditions.

Signature [Redacted] Date 23/1/2013.

DATA PROTECTION ACT 1998
Aberdeen City Council (the Data Controller) will process the information on this form for the purpose of placing any necessary conditions on the procession or preventing it, following due consultation. The information will be disclosed to Grampian Police and may also be circulated to Grampian Fire and Rescue Service and/or Enterprise Planning and Infrastructure, Aberdeen City Council for their statutory interest and to any other relevant body approved by the licensing authority. It may also be intimated to the H M Revenue & Customs. The information will also be held on a public register which will be available to members of the public on request.

G:\LEGAL\APPS\PUBPROC\PPNotificationForm

ABERDEEN CITY COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC PROCESSIONS

RISK ASSESSMENT FORM TO BE COMPLETED BY PROCESSION ORGANISERS

SECTION ONE

Your Name ADAM KHAN

Address BUTCHART CENTRE, UNIVERSITY ROAD,
OLD ABERDEEN, AB24 3UT

Tel No. [REDACTED]

Mobile No. [REDACTED]

E-mail Address [REDACTED]

Date of Procession 27/4/2013. Time 7.30pm.

Proposed Route: GALLOW GATE, SCHOOLHILL, SKENE STREET,
CARDEN PLACE, ALBYN PLACE, UNION STREET,
KING STREET.

General Information for the organiser:

We are asking you to fill in this risk assessment form to help us to understand what dangers and risks might be associated with holding your event. This form will take you through the most common areas of risk which we and the Police might want to raise with you. We and the Police may carry out our own assessment of risk and may want to discuss our assessment with you before any meeting is held or at the first meeting itself.

When a risk assessment may not be needed:

We will tell you if you need to fill in this risk assessment form. You may not need to carry out a risk assessment, for example, if we consider your procession is routine or it has already been decided that the procession will carry little to no risk.

Purpose of filling in the risk assessment form:

A risk assessment of the procession will help to –

- Identify any dangers associated with holding it;
- evaluate the level of any known risks;
- decide who is at risk and in what way and how the risk to them could be reduced or removed; and
- decide, where other types of risk have been identified, whether it would be possible to introduce appropriate measures to allow the procession to go ahead.

Who should be filling this form in:

It would be preferable if you were a suitably qualified person (e.g. someone who is trained in health and safety regulations). If that is not possible, someone else in the organisation with a good knowledge of the area where the march is to be held should fill it in. We will then check the form and compare it to the assessment of risk which we and the Police may be carrying out.

How to fill in the form:

You should work your way through the form section by section. If there are parts to sections which you cannot fill in, you should contact the person named at the end of the form. If your overall assessment shows that there is a high risk associated with holding the procession, you should get in touch as soon as possible to discuss if we can find solutions to reduce or remove the risk. Once we have considered the notification, the risk assessment and all other evidence, we may contact you to hold a meeting.

Who you should send the form to:

You should send your risk assessment form, with your notification form, to the person named at the end of this form at least 28 days before you plan to hold a procession. If you cannot send your risk assessment with the notification, you should do so as soon as possible thereafter.

Next steps:

We will assess the risks associated with holding your procession as early as we can. You should remember to keep a copy of this form for your records and bring it with you for any meeting which we may hold. This is because we and the Police may want to raise issues with you about how your assessment compares to ours. In case there are problems, we may need further meetings.

SECTION TWO

Main risk assessment

The table in this section sets out the main areas of the risk assessment. You should provide as many supporting comments as you can.

Question	You must provide supporting comments in the boxes below. (Attach other pages if required).
Is the date of your procession particularly significant to the organisation?	YES - DATE FALLS TRADITIONALLY AT THE END OF THE CHARITIES FORTNIGHT.
Has your organisation marched along the same route before?	YES - HISTORICALLY SIGNIFICANT ROUTE.
Are there enough trained stewards to control the number of marchers expected?	YES - STUDENT LED PARADE; LARGE NUMBER OF STUDENT VOLUNTEERS.
Have there been any difficulties or tensions in the recent past with holding this procession?	NO - VERY FEW PROBLEMS ON MARCH IN RECENT HISTORY.
Please assess the level of risk there may be to public safety. (Please also say whether the risk is low, or high).	LOW - ADEQUATE SHIELDING PROVIDED BY STEWARDS,
Please assess any risk to public order. Please also say whether the risk is low, or high).	LOW - NON-POLITICAL, NON-ORGANIZATIONAL, HELD IN EARLY EVENING.
Please assess the risk of damage to property. (Please also say whether the risk is low, or high).	LOW - HELD ON A ROAD, NO CONTACT WITH ANY PROPERTY.

Question	You must provide supporting comments in the boxes below. (Attach other pages if required).
Please assess the risk of disruption to local business, the community or shoppers and traffic from holding the procession. Please also say whether the risk is low, or high).	LOW - ROADS IN THE CITY CENTRE CLOSED, BUT AFTER THE WORKING DAY, LESS DISRUPTION TO SHOPPERS & TRAFFIC.
Taking account of all the information in this table, what is your opinion of the overall risk of holding the procession? Is it low, or high?	LOW - PROCESSION IS A YEARLY EVENT HELD WITH FEW PROBLEMS. WELL RECEIVED BY THE LOCAL POPULATION, OFFEN A GOOD CHANCE TO ENHANCE STUDENT RELATIONS WITH THE COMMUNITY.

SECTION THREE

This section details other information which you should consider as part of a general assessment of the procession. You should assess the following –

The main considerations	Supporting comments
At the end of the march, what are your arrangements for getting marchers to go home?	SOCIAL EVENT HELD AFTERWARDS AT SPECIFIC VENUE, ALL MARCHERS ENCOURAGED TO ATTEND.
Are you organising any other social events at the end of the march? (Please give details of what these are). And will you need a Police presence?	NO OTHER SOCIAL EVENTS HELD, NO FURTHER POLICE PRESENCE REQUIRED.
Is the proposed route shown on your notification as a route that your organisation commonly uses?	YES - ROUTE HAS BEEN FOLLOWED FOR MORE THAN 120 YEARS.

The main considerations	Supporting comments
Have you taken out insurance to help cover for any risks arising from the procession?	FULL PUBLIC LIABILITY INSURANCE.
What is your assessment of the risks to marchers if the route passes through communities which may be against the march?	ROUTE PASSED THROUGH CITY CENTRE, HEAVILY STEWARDED TO MINIMIZE RISKS, VERY FEW COMMUNITIES MAY BE AGAINST THE MARCH.
Do you have enough security in place for any coaches and other vehicles?	YES: FULLY STEWARDED.
Have you assessed what other priorities there may be in the area on the day of the march?	POSSIBILITY OF FOOTBALL MATCHES BUT AS OF YET UNCONFIRMED POSSIBLE TUC EVENT THAT DAY.
Have you considered the effect on the community as a whole if the march went ahead?	ALL MONEY RAISED GOES TO LOCAL CHARITIES, HELPS FOSTER COMMUNITY SPIRIT & STUDENT INVOLVEMENT.
Could you combine this procession with other similar events in the area? If not, why not?	NO: UNIQUE EVENT; NO SIMILAR EVENTS HELD LOCALLY.

SECTION FOUR

Final assessment

If the local authority is holding a meeting, I would like to raise the following points about this risk assessment.

- > CHARITY EVENT; BENEFITS LOCAL CHARITIES VIA. DISBURSED FUNDS
- > HISTORIC EVENT; HELD EVERY YEAR FOR THE PAST 120 YEARS.
- > COMMUNITY EVENT; FOSTERS STRONGER BONDS BETWEEN STUDENTS & NON-STUDENTS IN THE COMMUNITY.
- > HEAVILY STEWARDED; ALWAYS CONTROLLED,
- > ALWAYS HAD FULL BACKING OF THE COUNCIL IN THE PAST.


Please provide any other supporting comments in the box below.

FANTASTIC EVENT FOR THE CITY. A GREAT OPPORTUNITY TO REPRESENT EVERYTHING THAT'S GREAT ABOUT THE CITY.

SECTION FIVE


Declaration

I have assessed the risks associated with holding the above procession.
I will come to any meeting which may be needed.

Signature of the person carrying out the risk assessment 

Name in BLOCK CAPITALS BRYAN SNELLING

Relevant qualifications of the person carrying out the risk assessment:

Signature of Organiser: 

(You only need to fill in this part of the form if you are not the person who carried out the risk assessment).

Name in BLOCK CAPITALS ADAM KHAN

Date: 11/7/2012

SECTION SIX

Please return the completed risk assessment form with the notification form to:

Licensing Team
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Broad Street
Aberdeen
AB10 1AB

We will ensure that a copy of your risk assessment is sent to the Police.

G:\LEGAL\APPS\PUBPROC\PPRISKASSESSMENT\11042007




Our Ref: A28.3/03/12/9408	Your Ref:
----------------------------------	------------------

Proposed Procession:	Aberdeen Student Charities Campaign Students' Torcher Parade 2013	
Date:	Saturday 27 April 2013	
Police met with organiser:	Yes	
Police objection to procession:	No	
Recommendations:	1.	The procession to commence at 1930 hours, prompt;
	2.	The route to be Albyn Place, Alford Place, Union Street to the Castlegate;
	3.	A full Council resourced road closure to be in place for the full route throughout the duration of the procession;
	4.	The leading vehicles in the procession to form up on Carden Place, Aberdeen;
	5.	To facilitate identification in the event of an emergency, each vehicle to be allocated a number, which must be clearly displayed in the windscreen of the cab. Vehicles must travel in order, according to the designated numbers;
	6.	No person, either on foot or on a vehicle shall be permitted to consume alcoholic liquor, or be under the influence of alcohol during the event;
	7.	A minimum of two dedicated stewards per float;
	8.	A registration process to be in place for stewards to provide assurance of stewarding levels prior to the commencement of the parade;
	9.	Designated stewards for this event must not become involved in the charitable collection;
	10.	All stewards must wear identifiable high-visibility jackets at all times when escorting the parade;
	11.	Stewards to receive a written brief regarding the requirements of their role;

12.	A formal briefing to be held for stewards prior to the start of the parade;
13.	The speed of the procession to be regulated by the Officer in Charge of the Police;
14.	Drivers of vehicles involved in the parade must not sound their vehicle horns unless in an emergency and must not permit children to be carried on the drivers' laps at any time;
15.	A formal briefing to be held for drivers prior to the start of the parade;
16.	Safety measure to be taken on floats (eg barriers/webbing) to minimise risk to participants;
17.	No part of any float must protrude beyond the sides of the vehicle;
18.	No person to board or alight from a vehicle whilst it is in motion.
19.	No person to be permitted to pass between vehicles whilst the procession is in motion;
20.	Torches to be issued when the procession is on Carden Place. They are to be issued only to persons on foot;
21.	No person shall have both a torch and a collecting receptacle;
22.	No person to use a torch in a dangerous manner;
23.	No person to have more than one torch in his or her possession;
24.	Those carrying torches must walk in an orderly fashion and remain with the main procession;
25.	The only exception to items 22, 23 and 24 to be members of the Street Performers Society, who will be permitted torches as required by their performance;
26.	Lit torches not be extinguished by striking them against vehicles or other flammable material;
27.	No open fires to be carried in or on any vehicles in the procession;
28.	The organiser must ensure that there is adequate provision to extinguish any flammable materials deposited from the torches onto the route;

	29.	Collectors on foot to proceed in time with the procession. Collections must be made by means of receptacles as defined in the Public Charitable Collections (Scotland) Regulations 1984. No collections should be made by any other means;
	30.	No person to carry water containers or water pistols;
	31.	No person to be permitted to skate or blade whilst on or attached to any float;
	32.	No strobe lighting to be used on any float;
	33.	No person to behave in an indecent manner;
	34.	The organiser must ensure that there is sufficient and appropriate first aid cover in place for this event;
	35.	The organiser must inform the local media of the timings of the parade and likelihood of there being disruption to traffic in the City Centre;
	36.	The organiser must inform the Hackney Licensing Department of the timings of the parade;
	37.	The organiser must inform the Scottish Ambulance Service and Grampian Fire and Rescue Service about the times and movements of the parade;
	38.	All participants must behave according to the conditions laid down by the organiser;
	39.	At the conclusion of the parade, vehicles to travel via an agreed route to the designated de-construction site;
	40.	A Safety Officer to be appointed for the event;
	41.	Risk assessments to be compiled and circulated prior to the event.
Policing to be provided:	Yes	

<p>Comments:</p>	<p>Grampian Police are supportive of the Aberdeen Student Charities Torch Parade application. However on reviewing the 2012 event, several additional recommendations have been made in order to enhance public safety whilst still affording the opportunity to hold a successful city centre procession.</p> <p>The main recommendation from Grampian Police is a shortening of the route from previous Student Torch Parades. This is mainly on the basis of maximising public safety.</p> <p>The existing route requires a 'rolling road closure', which is difficult to achieve for ACC Road Services and has previously caused delays in the procession. If the recommended route is adopted, a full road closure could be put in place. This also negates the need for large policing presence dedicated to the event. A smaller road closure also lessens the impact on the wider community.</p> <p>The event is targeted at a 'family audience' and a shortened route would allow organisers to better manage the timings and avoid the procession entering Union Street and mixing with patrons under the influence of alcohol.</p> <p>Grampian Police are of the opinion an Queen's Cross-Castlegate parade will not diminish the event in terms of being a public spectacle. It is a tried and tested route used by several other city centre parades and it demonstrates our organisation promoting a consistent approach to parade applications.</p> <p>The application states there will be 150 stewards. This figure appears an ambitious estimate as there appeared to be less than half that number during the 2012 event. Due to the 'volunteer' nature of the stewarding, there was no audit trail on the number of stewards. There are recommendations included in this response to counter stewarding issues.</p> <p>The Student Torch Parade is one of the largest processions in Aberdeen, however there is no risk assessment compiled. In order to identify and address any risk associated with the event, it would be prudent to produce a formal risk assessment.</p>
<p>Police contact:</p>	<p>Events Planning, Aberdeen Division, Tel 01224 306481</p>
<p>Signed: </p> <p>George Macdonald, Chief Inspector, Aberdeen Division</p>	<p><i>cll</i></p> <p>Date: 21 February 2013</p>

Jacqui Wallace - response to Torcher stakeholder recommendations

From: Daniel PARROTT
To: [REDACTED]
Date: 06/03/2013 17:43
Subject: response to Torcher stakeholder recommendations
CC: David Paterson; Dawn Schultz; Jacqui Wallace
Attachments: AUSA Torcher Parade 2013 acc comments.doc

Hi,

Please find attached the city events comments regarding the stakeholder recommendations.

The comments are there to aid the safe delivery of the event.

I look forward to hearing the outcome of the discussions of the meeting tomorrow.

Daniel

Yours sincerely

Daniel Parrott
City Events Officer

"Support Aberdeen's bid to be UK City of Culture 2017 at www.aberdeeen2017.com"

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ABERDEEN INVESTLIVEVISIT

Aberdeen's City Events www.aberdeencity.gov.uk/cityevents

Response from City Events to the Torcher Parade 2013 Stakeholder Recommendations.

- **Earlier start time**
 - Explain how this will be achieved, has a full consultation been carried out?
- **Reduced hours for participants**
 - Duty of care means that suitable rest breaks and length of day should be considered for all taking part in event and accommodated accordingly.
 - Can a guarantee be made that all floats will be ready in time due to the shorter build time?
 - What is the contingency plan if floats are not completed on time?
- **Safety Officer appointed**
 - A full job specification detailing role/responsibilities needs to be created and agreed so that all partners and parade staff know what the safety officer's function is..
 - Role to include reporting pre/during/post event.
 - Production of standard practice documentations ie IOSH risk assessment template etc.
- **Float adornment adequately secured**
 - A guidance list required so people know what is and isn't allowed to be used as a securing fixture.
 - What happens in the event of failure of fixings during transit?
 - Visibility/weight of materials/ weather to be taken into consideration.
- **Safety tape around each float**
 - This refers to the edge of the trailers creating a defined line of sight line to lower the risk of falling/stepping off edge.
 - Additional vehicle railings required to define vehicle sides at waist height.
- **Float participants guidelines**
 - Guidelines should be agreed by all partner agencies, timeline provided in advance for comment and with review period.
 - Supplied to whom/ by who/ when?
- **Increased numbers of stewards**
 - A completed steward listing to be available 2 - 3 weeks before event date. This needs to show that agreed numbers of stewards have been secured with a name/ role corresponding with steward point.
 - Formula for determining number stewards required, risk assessment should aid with this process.
 - Roles and responsibilities are clear. Who can do what prior to/ on evening (Police, ACC TM, AUSA Steward).

- **Stewarding**
 - No details regarding steward points in appendix 1.
 - Define each steward point – maps/ layout/timings in post/ expected actions etc.

- **Aiming to recruit approx. 150 stewards**
 - There needs to be an agreed minimum and maximum number required to allow event to run safely on the day.
 - A date needs to be agreed for this minimum to be met by.
 - What is the fall back position stewards not secured?
 - Is this realistic number, achievable? In time available.

- **Minimum of 2 stewards per float**
 - How will they be selected?
 - How will this be co-ordinated?
 - The number of stewards available will limit the number of floats able to participate in parade.

- **Static stewards by key road closure locations**
 - How will this be managed?
 - Will this be one steward per point or one steward per junction?
 - What happens at a cross roads junction?

- **10 floating Head Stewards**
 - Explain reporting structure (comms)
 - Define clear reporting roles and responsibilities in organisational structure.

- **Formal registration process for ALL stewards including contact details**
 - Who will manage this process? Ideally someone not directly involved in the Parade organisation, so they do not get distracted from their principal role on day.
 - They will require clear, defined role and ability to maintain position and get task completed.

- **Pre-Parade training for ALL stewards (role specific) with registration**
 - What will training cover?
 - Is this feasible/ practical?
 - When and where would this be done. Has to accommodate 150 people.

- **ALL stewards to receive written briefing after training**
 - Briefing note before distribution to be reviewed by partner agencies.

- **ALL stewards to receive final briefing 4pm on the 27th April 2013**
 - This briefing to be held indoors away from the distractions of the parade setup.
 - Possible location; St. Margarets of Scotland Episcopalian church hall.

- **Stewards NOT involved in bucket collection**
 - How will this be monitored and what happens if float has no or limited collectors?
 - Can floats collecting money be identified prior to start of transit. Every second float collects money/ instead of every float?

- **AUSA vehicle in middle of parade**
 - Has this been confirmed by radio supplier or is it an assumption.
 - Is there support on the night should failure in signal occurs.
 - Who is supplier of radios?

- **See appendix 2 regarding parade command structure**
 - Names and telephone numbers against each command structure position

- **Lorry driver packs**
 - Map needs to be more detailed. Key and location names missing.
 - How will you know they've been received and reviewed prior to event?

- **AUSA in possession of mobile numbers for ALL lorry drivers**
 - How will these numbers be recorded?
 - Who will hold/access these numbers on day of event/ during parade?

- **Working in conjunction with lorry companies to ensure safety taping of floats.**
 - What ways are being considered?
 - Preferred method that will guarantee maximum safety/ security
 - How will this be enforced to ensure compliance?

- **Police briefing**
 - How will this be promoted/ enforced so drivers attend?
 - What is process for informing non-attendees?
 - Where preferably will this be held? Indoors away from the distraction of the lorry trailers.

- **West North St.**
 - How will this be done?
 - Who is responsible for ensuring this – name?

- **Reducing number of floats from 40 to maximum 35 (inclusive of sponsored floats)**
 - Can 35 floats be dressed in the shorter time, due to the earlier start time?
 - Number of floats need to equate to the number of float stewards.

- **Encouraging pre-building**
 - What is in place for allowing pre-building?
 - Is there a place groups can go to do this.
 - How will pre-made parts be stored/ moved to construction sites/ secured to avoid damage.
 - Bad weather contingency during build phase to be considered.

- **Queen's Cross roundabout – Parade arrives 6.45pm**
 - How is this going to be co-ordinated/lead?
 - What communication processes are in place so that clear and concise instructions and management is achieved so no delay created?

- **Reduced stop time**
 - What needs to be in place to make sure that turn around of closing next set of roads can happen in 15 minutes.
 - What communication processes are in place with ACC Roads?
 - Agreed timeline of actions and requirements are needed to achieve this.
 - Clear info on who does what and when.

- **Money boxes**
 - How will this be advised to the floats, signs on the boxes.
 - Info in advance to all floats advising of change from previous process.

- **Torch bearers**
 - Is there a pre registration in place?
 - Emergency contact detail for each torch bearer.
 - Registration/ sign in on the night. Report to who/where/when?
 - How many pre date/ on day prediction against actual.
 - Contingency for reduced numbers due to poor turn out.

- **Lighting torches**
 - Who will be responsible responsibility for lighting the torches / where?
 - Chain of command in place to get permission to light torches.
 - Timings/ minimum time with lit flame.

- **Float swap over**
 - Reinforce stationary message regarding mounting and dismounting vehicles safely.
 - Appropriate equipment should be used for this process- approved step ladders.

- **Head stewards**
 - Reporting process for advising all ready to go or need to delay to address any issues that have arisen.

- **Publicity**
 - Provide information to ACC Press team to support circulation of event information.

- **Publicity Officer appointed**
 - Who businesses should contact for further information or queries on the night?

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Rosemount & Mile-End Community Council

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
22th February 2013

Jacqui Wallace
Administration Officer
Licensing Team
Aberdeen City Council
Marischal College
Aberdeen
AB10 1AB

Ref: Annual Torcher Parade.

Dear Jacqui Wallace

The members agree the Student Torcher Parade should go ahead, however as you will appreciate we have no knowledge of what conditions/ restrictions have been in place in **previous years** so can't agree or disagree with any arrangement which the powers that be may want to enforce for the forth coming event.

To ensure that all avenues are examined before the event takes place by those of the City Council, Police and the event organisers in our opinion everyone who intends taking part in the event should be made aware of any conditions / restrictions which have been agreed by the Council ,Police and the event organisers.

In the meantime, should you wish for me to attend any meeting I will be only too pleased if the occasion arises??

Kind regards

Willie Jaffray (Chair)
R&M-ECC

Jacqui Wallace - Re: Student Annual Torch Parade.doc

From: "Willie Jaffray" [REDACTED]
To: "Jacqui Wallace" [REDACTED]
Date: 26/02/2013 09:38
Subject: Re: Student Annual Torch Parade.doc

Good morning Jacqui Wallace.

In answer to the question in your e-mail to clarify "Everyone who intends taking part in the event should be made aware of any conditions/restrictions".

It is and it isn't a concern about the parade taking place its about the bulk of those who are taking part in the parade not those who are organising the event.

As you will appreciate when my son took part a number of years ago he was one of many who was asked if they would be willing to volunteer their time to go along on the night to follow the parade and encourage the public to part with their small change.

All he was told to do was rattle the tin and hopefully get money as the group of students went round.

As you will appreciate times have changed and unless they are told this is what is expected of you and you can do this but not that, in other words spell out how they should conduct themselves during the parade.

Does the organisers hold a mass meeting with all those student who are taking part if so what about those who don't bother to attend this meeting and those like my son who was only asked a few days prior to the parade who didn't attend the meeting because he didn't know about it, but procedures may have changed??

Again I appreciate even if they are told how to conduct themselves it doesn't mean they will but its hoped they will because what they are doing is for a good cause and some charities will benefit from their efforts.

I hope I have explained what I mean but if I haven't then don't hesitate to contact me to explain it further.

Kind regards

Willie Jaffray.

[REDACTED]

Mr Jaffray,

ABERDEEN CITY COUNCIL

COMMITTEE: Licensing

DATE: 26 March 2013

DIRECTOR: Stewart Carruth

TITLE OF REPORT: Variation of Taxi and Private Hire Drivers' Licence Conditions - Statutory Updates in respect of Medical Exemptions (Follow up Report to CG/13/014)

REPORT NUMBER: CG/13/034

1. PURPOSE OF REPORT

The purpose of the report is to ratify necessary legislative updates to:

- a. The Conditions Applicable to Taxi Drivers' Licences (see appendix 1); and
- b. The Conditions Applicable to Private Hire Car Drivers' Licences (see appendix 2).

2. RECOMMENDATION(S)

That the Licensing Committee:

- a. ratify the proposed amendments to the conditions;
- b. instruct officers to complete the statutory variation procedures; and
- c. instruct officers to confirm the legal requirements and procedures for exemptions when issuing the updated conditions to licence holders.

3. FINANCIAL IMPLICATIONS

None.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

At its meeting on 29 January 2013 the Licensing Committee considered and endorsed in principle proposed variations to the taxi and private hire car conditions (see appendices 1 and 2).

The licence holders who would be affected by the changes were consulted. There were no responses indicating a desire to be heard by the Committee in respect of the proposed variations.

One licence holder kindly pointed out a typographical error in the proposed variations, which has been amended.

There were also some telephone and written enquiries seeking information on the legal requirements to carry wheelchair passengers and guide dogs. These enquiries have been answered directly.

The enquiries have highlighted that it may be helpful if an explanation of the requirements and exemptions is provided, along with the new conditions, in a letter to licence holders. They should also be advised to read the relevant parts of their licence conditions.

For clarification the requirements and exemptions are as follows.

a. Requirement to Carry Wheelchair Passengers

Condition 20 (taxi drivers) and condition 19 (private hire car ("PHC") drivers) require that the driver of an accessible taxi/PHC shall assist wheelchair users into and out of the taxi using the ramp if necessary and shall ensure that they are properly secured by means of the fixed seat belts before starting the journey, but the driver of the taxi will not be required to leave the immediate proximity of the taxi in doing so.

These are the duties on licensed taxi and PHC drivers in Aberdeen who do not hold an exemption.

If a driver of an accessible vehicle holds an exemption and it is displayed visibly on the vehicle they are exempt from compliance with the duties. These duties are to carry the passenger while in the wheelchair or, if the passenger chooses to sit in a passenger seat, to carry the wheelchair, and to provide mobility assistance to passengers in wheelchairs.

Mobility assistance is: (a) to enable the passenger to get into or out of the vehicle; (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair; (c) to load the passenger's luggage into or out of the vehicle; (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

The duties in terms of the requirements and exemptions are slightly different. The requirement to carry and assist a wheelchair passenger is a condition of taxi drivers' licences in Aberdeen. The exemptions are contained in Section 166 of the Equality Act 2010.

b. Requirement to Carry Assistance Dogs

Since 3 March 2003 licensed taxi drivers in Scotland have been under a duty (introduced as a mandatory condition of licence) to carry guide, hearing and other assistance dogs in their taxis, without additional charge.

This duty was introduced by (The Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003).

Similar duties were introduced for private hire car drivers with effect from 31 March 2004 in The Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004.

Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for exemption from the duty on medical grounds. Any other driver who fails to comply with the duty is guilty of a criminal offence and liable, on summary conviction, to a fine of up to £1000.

Breaches of licence conditions are reported to the licensing authority for investigation. If a breach of a condition is established enforcement can be pursued through the courts (as mentioned above) or alternatively by way of a suspension hearing.

6. IMPACT

Corporate - The amendments to the conditions support the Council's statutory obligation to assess and review its policies and practices in terms of the public sector equality duty.

Public - This may be of interest to: wheelchair passengers; passengers with assistance dogs; and taxi and private hire car drivers.

Equality and Human Rights Impact Assessment - The attached Equality and Human Rights Impact Assessment (EHRIA) considered the impact of the proposal on the equality strands (see appendix 3).

Please note that this EHRIA was attached to the previous report CG/13/014. A new EHRIA is not required because this report considers the same proposal as the earlier report.

For information a copy of this report has been provided to the Disability Advisory Group.

7. BACKGROUND PAPERS

- The Equality Act 2010
- The Disability Discrimination Act 1995

- The Taxi Drivers' Licences (carrying of Guide Dogs and Hearing Dogs (Scotland) Regulations 2002
- The Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003
- The Private Hire Car Drivers' Licences (Carrying) of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004

8. REPORT AUTHOR DETAILS

Paul M Connolly
Solicitor (Licensing Team)

Direct Dial: 01224 522357

Email: pconnolly@aberdeencity.gov.uk

Appendix 1 (Amendments underlined)

CONDITIONS APPLICABLE TO TAXI DRIVERS' LICENCES

Subject to the foregoing, the following words or phrases shall have the meanings set out below: -

"licensed area" means the area of The City of Aberdeen;

"licensing authority" means Aberdeen City Council;

"luggage" includes all items which the hirer or passenger wishes to be carried in the vehicle, whether his 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;

"exclusive", as applied to the hire of a taxi, means that a single fare is payable by any one passenger for the whole hire of the taxi, whether or not more than one passenger is carried; and "exclusive hire" shall be construed accordingly;

"shared", as applied to the hire of a taxi, means that each passenger is carried at a separate fare, payable to the driver; and "shared hire" shall be construed accordingly; and

"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 or requires to be registered under Part I of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

1. The driver of a taxi shall at all times while he is acting as such have with him the taxi drivers' licence, badge of identification and identity card issued by the licensing authority. He shall exhibit such licence on demand to any passenger, Constable or authorised officer of the licensing authority and shall display such identity card clearly within the passenger compartment of his vehicle. The badge of identification and identity card issued by the licensing authority shall each include a recent photograph showing a true likeness of the driver and he shall display his badge of identification at all times while so acting conspicuously on the outer front, upper portion of his outermost garment with the inscribed side of the badge clearly visible. The licensing authority shall require from the driver of a taxi at the time of issue of his driver's licence or badge of identification or identity card a sum specified by the licensing authority.
2. The driver of a taxi shall NOT: -
 - (a) Permit any other person to use his badge of identification.
 - (b) Wilfully damage his badge of identification.
 - (c) Give, transfer, sell or otherwise dispose of his badge of identification.
3. The driver of a taxi shall immediately report the loss of his badge of identification to the licensing authority.
4. The driver of a taxi shall surrender his badge of identification to the licensing authority within seven days of leaving the trade or of the expiry, suspension, forfeiture, revocation or surrender of his taxi driver's licence.
5. The driver of a taxi shall surrender to the licensing authority a badge of identification, the inscription or photograph on which has become in whole or in part illegible or defaced as the case may be.

6. The driver of a taxi shall be bound to fulfil or cause to be fulfilled at the time and location specified an engagement to hire his taxi which he has accepted.
7. The driver of a taxi shall operate on shared hire only with the consent of the first hirer or passenger even if there is displayed on the taxi a sign or other thing approved by the licensing authority indicating that the taxi is available for shared hire; but he shall not be required to operate on shared hire if no such sign or other thing is displayed on the taxi at the time of the initial hiring.
8. The driver of a taxi which is on exclusive hire may not in any circumstances pick up or convey another passenger without the consent of the original hirer(s) or passenger(s).
9. The driver of a taxi shall not at any time convey in the taxi more than the number of passengers the taxi is licensed to carry.
10. The driver of a taxi 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 taxi which has been hired on shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom he is carrying at any one time.
11. The driver of a taxi not being used as a taxi-bus shall if the cost of the journey is not regulated by a licensing authority fare structure inform the hirer(s) or passenger(s) before journey commences (a) that the fare if not so regulated; and (b) of the cost or the method of calculating the cost of the proposed journey.
12. The driver of a taxi shall ensure that any taximeter fitted in the taxi in his charge shall be operated at all times within the licensed area and in accordance with the detailed requirements imposed by the licensing authority.
13. The driver of a taxi shall from time to time and at least once in each day in which he uses the taxi inspect the seals on the taximeter to ensure that they are intact. On discovering that the seals have become broken or damaged or that the taximeter has ceased to function correctly, the driver of a taxi shall immediately withdraw the vehicle for service.
14. Subject to conditions 15 and 16 below, the driver of a taxi shall not refuse to drive a passenger to any place within the licensed area.
15. The driver of a taxi on shared hire may decline to accept a further passenger on the grounds that his 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 taxi.
16. The driver of a taxi need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried or whose condition of clothing is offensive or likely to cause damage to the interior of the taxi or who refuses to cease smoking in the taxi when requested to do so by the driver or is accompanied by an animal which is likely to damage or soil the interior of the taxi or for any other reasonable excuse as approved by the licensing authority.
- 17.(a) The driver of a taxi, while he is in charge of the taxi shall not park, or stop his taxi, nor canvass or importune for employment within 50 metres of any designated taxi stance.

(b) At any time, when any designated taxi rank is closed, the driver of a taxi shall not park, stop his taxi, ply for hire or otherwise canvass or importune for employment at that closed taxi rank.

- 18.(a) The driver of a taxi shall not refuse to carry luggage in his taxi providing the luggage can be accommodated safely within the taxi; and
- (b) The driver of a taxi shall give such assistance to their passengers as they are able to give with loading and unloading their luggage when required to do so but the driver of the taxi will not be required to leave the immediate proximity of the taxi in doing so.
19. Where the taxi has retractable steps, the driver shall operate these as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this.
- 20.(a) The driver of a designated accessible taxi shall assist wheelchair users into and out of the taxi using the ramp if necessary and shall ensure that they are properly secured by means of the fixed seat belts before starting the journey, but the driver of the taxi will not be required to leave the immediate proximity of the taxi in doing so; and
- (b) The driver of a designated taxi is exempt from compliance with the duties, to carry the passenger while in the wheelchair or if the passenger chooses to sit in a passenger seat, to carry the wheelchair, and otherwise from the duties to assist passengers in wheelchairs in the following circumstances —
- (i) if an exemption certificate issued to the driver is in force, and
 - (ii) if the prescribed notice of the exemption is exhibited on the taxi.

For the purposes of this condition —

an accessible taxi vehicle is “designated” if it appears on a list maintained under section 167 of the Equality Act 2010;

“the passenger” means the disabled person concerned.

21. The driver of a taxi at the end of each hiring shall search the taxi of which he is in charge for any property which may have been left therein. Any property found by the driver shall, within twenty-four hours, be returned to the owner of the property, if known or such property shall be handed in by the driver to any police station.
22. The driver of a taxi whilst so acting must at all times be strictly sober, clean and tidy in his person and clothing, shall conduct himself in a proper and civil manner and shall not smoke.
23. The driver of a taxi shall not knowingly allow the taxi in his charge to be used for illegal or immoral purposes, permit to be carried in the taxi in his charge any article of a dirty, filthy or noxious nature or an explosive or dangerous nature or permit to be carried in the taxi in his charge any person who has vermin on his person.
24. The driver of a taxi shall ensure that the taxi including all bodywork, upholstery and fittings is safe, serviceable and in a clean condition and at all times ready and sufficient for hire subject to prevailing road conditions.
25. All drivers of taxis arriving at an appointed taxi stance shall take their stations on such stance from front to rear in order of their arrival and hires will be accepted by the drivers in that order except when an intending hirer wishes to engage a specific taxi 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 taxi apparently chosen out of order. Unless the licensing authority makes specific arrangements for particular stances, where a taxi is driven off a stance the driver of the taxi immediately behind shall draw up his vehicle to take the place vacated and the taxi drivers on the stance behind shall draw up their vehicles in like manner.
26. The driver of a taxi which is being operated on shared hire may wait at a stance only for such time as is reasonably required to ascertain whether there are any prospective further passengers (in addition to an existing passenger or existing passengers) in the immediate vicinity of the stance at that time who wish to participate in the shared hire of the taxi; but if no such further passengers are found there and then, the driver shall immediately drive his taxi off the stance.

27. The driver of a taxi when a taxi is hired or standing for hire shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period he may be absent to announce the arrival of his taxi to the hirer or when assisting the hirer to enter or leave the taxi or to load or unload luggage or for any other necessary purpose.
28. While at a stance or a place of public entertainment where other taxis are waiting, drivers must not congregate with others in any one taxi or on the footpath thereat.
29. The licence holder is expressly prohibited from intercepting and acting upon the radio communications of any firm whose facilities he is not authorised to use. Without prejudice to the foregoing generality, the licence holder shall be bound to ensure that no radio scanner device is operated by anyone within his taxi nor shall the same be operated by himself in the vicinity of his nor shall he receive and use information emanating from a taxi or private hire firm other than his own gained from another individual operating a radio scanner.
30. Where the taxi has been hired:
- (a) by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog of that person,
 - (b) by a person who wishes such a disabled person to accompany that person in the taxi, and the circumstances specified in Condition 30(c) below do not apply, the driver of the taxi shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.

The terms "guide dog" and "hearing dog" are as defined in Section 20 of The Civic Government (Scotland) Act 1982.

The term "assistance dog" is as defined in The Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003 ("the 2003 Regulations").

- (c) The circumstances referred to in condition 30(b) above are that -
 - (i) a notice of exemption in the form set out in the Schedule to the 2003 Regulations has been issued to the driver in accordance with the procedure set out in the 2003 Regulations and is in force; and
 - (ii) that notice is exhibited either by
 - i. affixing it in a prominent position on the dashboard facing upwards; or
 - ii. affixing it to the windscreen of the taxi, facing outwards.

Any notice of exemption shall be issued for such period as the licensing authority considers appropriate.

Application for exemption should be made no later than three months before the date the driver wishes the exemption to take place.



Head of Legal and Democratic Services

G:\LEGAL\APPS\CONDITIONS\TAXIDRIVER

Appendix 2 (Amendments underlined)

CONDITIONS APPLICABLE TO PRIVATE HIRE CAR DRIVERS' LICENCES

Subject to the foregoing, the following words or phrases shall have the meanings set out below: -

"licensed area" means the area of The City of Aberdeen;

"licensing authority" means Aberdeen City Council;

"luggage" includes all items which the hirer or passenger wishes to be carried in the vehicle, whether his 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;

"exclusive", as applied to the hire of private hire car, means that a single fare is payable by any one passenger, whether or not more than one passenger is carried; and "exclusive hire" shall be construed accordingly; and

"shared", as applied to the hire of a private hire car, means that each passenger is carried at a separate fare, payable to the driver; and "shared hire" shall be construed accordingly.

1. The driver of a private hire car shall at all times while he is acting as such have with him the private hire car drivers licence, badge of identification and identity card issued by the licensing authority. He shall exhibit such licence on demand to any passenger, Constable or authorised officer of the licensing authority and shall display such identity card clearly within the passenger compartment of his vehicle. The badge of identification and identity card issued by the licensing authority shall each include a recent photograph showing a true likeness of the driver and he shall display his badge of identification at all times while so acting conspicuously on the outer front, upper portion of his outermost garment with the inscribed side of the badge clearly visible. The licensing authority shall require from the driver of a private hire car at the time of issue of his private hire car driver's licence or badge of identification or identity card a sum specified by the licensing authority.
2. The driver of a private hire car shall NOT: -
 - (a) Permit any other person to use his badge of identification.
 - (b) Wilfully damage his badge of identification.
 - (c) Give, transfer, sell or otherwise dispose of his badge of identification.
3. The driver of a private hire car shall immediately report the loss of his badge of identification to the licensing authority.
4. The driver of a private hire car shall surrender his badge of identification to the licensing authority within seven days of leaving the trade or of the expiry, suspension, forfeiture, revocation or surrender of his private hire car driver's licence.
5. The driver of a private hire car shall surrender to the licensing authority a badge of identification, the inscription or photograph on which has become in whole or in part illegible or defaced as the case may be.
6. The driver of a private hire car shall be bound to fulfil or cause to be fulfilled at the time and location specified an engagement to hire his private hire car which he has accepted.

7. The driver of a private hire car which has been hired may not, in any circumstances, pick up or convey another passenger without the consent of the original hirer(s) or passenger(s).
8. The driver of a private hire car shall not at any time convey in the private hire car more than the number of passengers the private hire car is licensed to carry.
9. The driver of a private hire car 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 private hire car which has been hired on shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom he is carrying at any one time.
10. The driver of a private hire car unless the cost of the journey is regulated by a licensing authority fare structure, inform the hirer or passenger before journey commences (a) that the fare is not so regulated; and (b) of the cost or the method of calculating the cost of the proposed journey.
11. The driver of a private hire car shall ensure that any taximeter fitted in the private hire car in his charge shall be operated at all times within the licensed area and in accordance with the detailed requirements imposed by the licensing authority.
12. The driver of a private hire car shall from time to time and at least once in each day in which he uses the vehicle inspect the seals on any taximeter fitted in the vehicle to ensure that they are intact. On discovering that the seals on any taximeter fitted to the vehicle have become broken or damaged or that the taximeter has ceased to function correctly, the driver of a private hire car shall immediately withdraw the vehicle for service.
13. Subject to condition 13 below, the driver of a private hire car shall not refuse to drive a passenger to any place within the licensed area.
14. The driver of a private hire car need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried or whose condition of clothing is offensive or likely to cause damage to the interior of the private hire car or who refuses to cease smoking in the private hire car when requested to do so by the driver or is accompanied by an animal which is likely to damage or soil the interior of the private hire car or for any other reasonable excuse approved by the licensing authority.
15. The driver of a private hire car while he is in charge of the private hire car shall not canvass or importune for employment in any street or other public place.
16. The driver of a private hire car shall not refuse to carry luggage in his private hire car providing that the luggage can be accommodated safely within the private hire car.
17. The driver of a private hire car shall give such assistance as he is able to give with loading and unloading passengers and luggage when required to do so but he shall not be required to leave the immediate proximity of the private hire car in doing so.
18. Where the private hire car has retractable steps, the driver shall operate these as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this.
- 19.(a) The driver of a designated accessible private hire car shall assist wheelchair users into and out of the vehicle using the ramp if necessary and shall ensure that they are properly secured by means of the fixed seat belts before starting the journey, but the driver of the vehicle will not be required to leave the immediate proximity of the vehicle in doing so; and
(b) The driver of a designated private hire car is exempt from compliance with the duties,

to carry the passenger while in the wheelchair or if the passenger chooses to sit in a passenger seat, to carry the wheelchair, and otherwise from the duties to assist passengers in wheelchairs in the following circumstances —

- (i) if an exemption certificate issued to the driver is in force, and
- (ii) if the prescribed notice of the exemption is exhibited on the private hire car.

For the purposes of this condition —

an accessible private hire car is “designated” if it appears on a list maintained under section 167 of the Equality Act 2010;

“the passenger” means the disabled person concerned.

20. The driver of a private hire car at the end of each hiring shall search the private hire car of which he is in charge for any property which may have been left therein. Any property found by the driver shall, within twenty-four hours, be returned to the owner of the property, if known or such property shall be handed in by the driver to any police station.
21. The driver of a private hire car whilst so acting must at all times be strictly sober, clean and tidy in his person and clothing, shall conduct himself in a proper and civil manner and shall not smoke.
22. The driver of a private hire car shall not knowingly allow the private hire car in his charge to be used for illegal or immoral purposes, permit to be carried in the private hire car in his charge any article of a dirty, filthy or noxious nature or an explosive or dangerous nature or permit to be carried in the private hire car in his charge any person who has vermin on his person.
23. The driver of a private hire car shall ensure that the private hire car including all bodywork, upholstery and fittings is safe, serviceable and in a clean condition and at all times ready and sufficient for hire subject to prevailing road conditions.
24. A driver of a private hire car while attending at a place of public entertainment or other public place where taxis and other private hire cars are waiting shall not congregate with others in any one taxi or on the footpath thereat.
25. The licence holder is expressly prohibited from intercepting and acting upon the radio communications of any firm whose facilities he is not authorised to use. Without prejudice to the foregoing generality, the licence holder shall be bound to ensure that no radio scanner device is operated by anyone within his private hire car nor shall the same be operated by himself in the vicinity of his private hire car, nor shall he receive and use information emanating from a taxi or private hire firm other than his own gained from another individual operating a radio scanner.
26. Where the private hire car which the private hire car driver is driving or otherwise has charge of has been hired:
 - (a) by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog of that person, or
 - (b) by a person who wishes such a disabled person to accompany that person in the private hire car, and the circumstances specified in Condition 26(c) below do not apply, the driver of the private hire car shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.

The terms “guide dog” and “hearing dog” are as defined in Section 20 of The Civic Government (Scotland) Act 1982.

The term “assistance dog” is as defined in The Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003 (“the 2003 Regulations”).

- (c) The circumstances referred to in condition 26(b) above are that -
- (i) a notice of exemption in the form set out in the Schedule to The Private Hire Car Drivers' Licences (Carrying) of Guide Dogs and Hearing Dogs (Scotland) Regulations 2004 ("the 2004 Regulations") has been issued to the driver in accordance with the procedure set out in the 2004 Regulations and is in force; and
 - (ii) that notice is exhibited either by -
 - i. affixing it in a prominent position on the dashboard of the private hire car facing upwards; or
 - ii. affixing it to the windscreen of the private hire car facing outwards.

Any notice of exemption shall be issued for such period as the Licensing authority considers appropriate.

Application for exemption should be made no later than three months before the date the driver wishes the exemption to take effect.



Head of Legal and Democratic Services

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Equality and Human Rights Impact Assessment – the Form.



Equality and Human Rights Impact Assessment - the Form

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, proposal refers to policy, strategy, plan, procedure, report or business case, embracing a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring.

STEP 1: Identify essential information

1. Committee Report No.

2. Name of proposal.

3. Officer(s) completing this form.

Name	Designation	Service	Directorate
Paul Connolly	Solicitor	Legal and Democratic Services	Corporate Governance

4. Date of Impact Assessment.

5. When is the proposal next due for review?

6. Committee Name.

7. Date the Committee is due to meet.

8. Identify the Lead Council Service and who else is involved in delivering this proposal (for example other Council services or partner agencies).

9. Please summarise this Equality and Human Rights Impact Assessment (EHRIA). This must include any practical actions you intend to take or have taken to reduce, justify or remove any adverse negative impacts. Please return to this question after completing the EHRIA.

The amendments to the conditions shall ensure that requirements in relation to taxi (and private hire drivers') medical exemptions from the requirement to carry wheelchair passengers in an accessible vehicle are clear for both taxi and private hire drivers and wheelchair passengers.

The other amendments to the conditions shall ensure that requirements in relation to separate medical exemptions from the requirement to carry assistance dogs are clear for both taxi and private hire drivers and passengers with assistance dogs. These variations to the conditions will aid the proper implementation of disability legislation by the Committee.

10. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick all that apply.

- Para 9 of EHRIA will be published in committee report in Section 6 "Impact"
 Full EHRIA will be attached to the committee report as an appendix
 Copied to Equalities Team to publish on the Council website

STEP 2: Outline the aims of the proposal

11. What are the main aims of the proposal?

To ensure that requirements in relation to medical exemptions are clear for both taxi and private hire drivers and disabled passengers. It will also aid proper implementation of the legislation by the Committee.

12. Who will benefit most from the proposal?

Taxi and private hire drivers, wheelchair passengers and passengers with assistance dogs.

13. Tell us if and how the proposal will increase equality of opportunity by permitting positive action to redress disadvantage?

The proposal will implement the legislation, which is mainly targeted to redress disadvantage in accessing transport for wheelchair passengers and passengers with assistance dogs. However, the medical exemptions also ensure that taxi and private hire drivers who themselves have disabilities are not required to meet the requirements to assist other disabled persons, where it would be overly arduous or impossible for them to comply.

14. What impact will the proposal have on promoting good relations and wider community cohesion?

The proposal promotes good relations between the taxi and private hire drivers and wheelchair passengers and passengers with assistance dogs.

STEP 3: Gather and consider evidence

15. What evidence is there to identify any potential positive or negative impacts in terms of consultation, research, officer knowledge and experience, equality monitoring data, user feedback and other?

Following a taxi demand survey carried out in November 2011 disabled representatives advised that it is frustrating when wheelchair passengers cannot access an accessible vehicle as the driver of that vehicle has an exemption from carrying a wheelchair passenger. This concern was reiterated to litigation and licensing officers by members of the Council's Disability Advisory Group and as a result of targeted consultation with the Council's consultees for the protected characteristics of age and disability.

These medical exemptions are a statutory requirement therefore although the suggestion made by the above respondents was that all accessible vehicles should be available to wheelchair passengers at all times this is not possible.

However, the proposal to review the conditions should clarify the terms of the exemption for taxi and private hire drivers. This should aid cohesion between drivers and passengers who share the protected characteristic of disability. Drivers with a medical exemption can advise potential passengers correctly with regard to their exemption, thereby fostering good relations between these two groups.

Furthermore, clarifying that the exemption certificate (i.e. from the requirement to carry a wheelchair passenger) should be displayed on the taxi also should help foster good relations between these groups as it will be evident to a potential passenger if a driver holds an exemption.

STEP 4: Assess likely impacts on people with Protected Characteristics

16. Which, if any, people with protected characteristics and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box. Be aware of cross-cutting issues, such as older women with a disability experiencing poverty and isolation.

(Positive +, neutral 0, - negative)

Protected Characteristics					
Age - Younger	0	Disability	+	Gender Reassignment*	0
Older					
Marriage or Civil Partnership	0	Pregnancy and Maternity	0	Race**	0
Religion or Belief	0	Sex (gender)***	0	Sexual	0

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				orientation****	
Others e.g. poverty	0				

Notes:

- * Gender Reassignment includes Transgender
- ** Race includes Gypsies/Travellers
- *** Sex (gender) i.e. men, women
- **** Sexual orientation includes LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.

<p>Positive impacts (describe protected characteristics affected)</p> <p>The amendments to the conditions shall aid the proper implementation of legal requirements intended to assist persons with disability with regard to taxi/private hire transport services.</p>	<p>Negative Impacts (describe protected characteristics affected)</p>
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STEP 5: Human Rights - Apply the three key assessment tests for compliance assurance

18. Does this proposal/policy/procedure have the potential to interfere with an individual's rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and saying how. If you answer "no", go straight to question 22.

<p><input type="checkbox"/> Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment</p> <p><input type="checkbox"/> Article 6 – Right to a fair and public hearing</p> <p><input type="checkbox"/> Article 8 – Right to respect for private and family life, home and correspondence</p> <p><input type="checkbox"/> Article 10 – freedom of expression</p> <p><input type="checkbox"/> Other article not listed above</p> <p>Article 14 of the European Convention on Human Rights, Prohibition of discrimination, may be relevant in decisions of the Committee which could be interpreted as discriminatory against certain protected groups. In the circumstances, the report recommendations comply with Article 14 as they are not discriminatory against protected groups.</p>

Equality and Human Rights Impact Assessment – the Form.
Legality

19. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

The impact of medical exemptions may be that disabled passengers cannot access some taxis or private hire cars. However, this is consistent with the requirements of the public sector equality duty generally and the specific provisions of the Equality Act 2010 for taxis and private hire cars as it balances disabled passengers and disabled drivers' rights, i.e. access to transport and access to employment.

Legitimate aim

20. Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

Yes, it is a legitimate aim in terms of Section 149 of the Equality Act 2010. The proposal complies with the public sector equality duty.

Proportionality

21. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

Yes the proposal is proportionate to the proper implementation of the legislation.

STEP 6: Monitor and review

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

The policy will be subject to ongoing review.

23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

Members will have the opportunity to consider the impact assessment and main report.
The policy will be monitored on an ongoing basis.

STEP 7 SIGN OFF

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

Person(s) completing the impact assessment.

Equality and Human Rights Impact Assessment – the Form.

Name	Date	Signature
Paul Connolly		

Quality check: document has been checked by

Name	Date	Signature
Alyson Mollison		

Head of Service (Sign-off)

Name	Date	Signature
Jane MacEachran		

Now –

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal to:

Equalities Team
Customer Service and Performance
Corporate Governance
Aberdeen City Council
Business Hub 13
Second Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk