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To: Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Boulton, Clark, Crockett, Fairfull, Farquhar, Graham, Henrickson, MacGregor, McLeod, Tissera and van Sweeden.

Town House,
ABERDEEN 25 October 2022

LICENSING COMMITTEE (SPECIAL)

The Members of the **LICENSING COMMITTEE** are requested to meet in **Council Chamber - Town House** on **FRIDAY, 4 NOVEMBER 2022 at 10.00am**. This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

VIKKI CUTHBERT
INTERIM CHIEF OFFICER - GOVERNANCE

B U S I N E S S

NOTIFICATION OF URGENT BUSINESS

1.1. Urgent Business

DETERMINATION OF EXEMPT BUSINESS

2.1. Exempt Business

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

3.1. Declarations of Interest and Transparency Statements

APPLICATIONS FOR LICENCES

4.1. Grant of a Taxi Operator Licence - Varinder Sood (Pages 3 - 14)

EHRIAs related to reports on this agenda can be viewed [here](#)

To access the Service Updates for this Committee please click [here](#)

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson, tel 01224 522989 or email mmasson@aberdeencity.gov.uk

LICENSING COMMITTEE INFORMATION SHEET

4 NOVEMBER 2022

Application for Grant of Taxi Operator Licence

Applicant: - Varinder Sood

Vehicle: - SV66 HDG

INFORMATION NOTE

Application submitted 24/06/2022

Determination date 23/06/2023

Deferred from Committee meeting on 6 September 2022.

Mr Sood contacted the Licensing team on 12 April to seek information on the requirements for a Wheelchair Accessible Vehicle. On 13 April he was sent the attached criteria which included all of the information required, including the necessary dimensions at section 2.

The vehicle was inspected on 06/05/2022 by the Taxi Inspection Centre and found to not meet the minimum requirements as set out in the WAV specification.

Unfortunately, the Inspection Centre did not record the details of the failure to meet specifications correctly and the vehicle was re-inspected on 19/05/2022.

Once again the vehicle failed to meet specifications for the following reasons :-

1. The wheelchair space did not meet the required length of 1130mm (it was 1115mm) and it also did not meet the required height of 1340mm (it was 1200mm).
2. The longitudinal slope anywhere within the wheelchair space is required to not exceed 11 degrees (it was 15 degrees).
3. It is a requirement that there must be a means of preventing the vehicle being driven away whilst the ramp is deployed, nothing of this sort was installed in the vehicle.
4. Handrails and/or Handholds are required to be slip resistant and easily gripped (these were not).
5. The portion of the ramp deployed outside the vehicle is required to be at least 1600mm (it was only 1193mm).

Immediately following the inspection Mr Sood challenged the results with Inspection Centre staff and the Fleet Manager made the measurements above with Mr Sood in attendance to show him the actual measurements and where they were taken from.

Mr Sood then challenged the measurements again with the Enforcement Officer (in particular the slope/length of the wheelchair ramp).

He was advised again that his vehicle did not meet the required specifications and following a number of other contacts between Mr Sood and the Licensing Team, he was then advised to submit an application for the Grant of a Taxi Licence so that the Licensing Committee could determine his application and the validity of the vehicle he wished to licence.

The Committee resolved to defer consideration of the application to enable Mr Sood to seek to resolve some of the issues. It also allowed officers to investigate the immobiliser issue raised during the meeting and to look into the other vehicles referenced by Mr Sood.

It would appear from investigation that the immobiliser issue should refer only to mechanical ramps and not to manual ramps such as those fitted to Mr Sood's vehicle. Accordingly, that ground for failure should be disregarded by the Committee.

With that established, Mr Sood was invited to bring his vehicle in for further examination in the presence of licensing officers to establish the position with the dimensions and the angle of the ramp which were disputed by Mr Sood at the meeting on 6 September. Mr Sood declined that invitation.

It has been established that there are 7 Mercedes Vito vehicles licensed as taxis. Of those, 3 were WAVs prior to registration (which means they were manufactured as WAVs and not converted) and 1 has passed the check after conversion. Of the remaining 3 vehicles, only one is the same model as that belonging to Mr Sood. It is believed the other 2 are larger models. As a result of changes to the inspection procedures resulting from this experience, the dimensions of those vehicles will be checked at their next inspection.

It is important to note that the dimensions stipulated in the WAV specification are not unreasonable. In fact, they are marginally smaller than the recommended dimensions contained in the Scottish Government Guidance:

Dimension	Scottish Govt	ACC	Applicant Vehicle
Length	1200mm	1130mm	1115mm
Width	700mm	690mm	1130mm
Height	1350mm	1340mm	1200mm

It is also important to note that this information was provided to Mr Sood prior to any work being carried out and it is the applicant's responsibility to ensure that the vehicle is fit for the purpose for which it is to be licensed.

DESCRIPTION

Grant of Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that any application for the grant of a Taxi Licence must be a Wheelchair Accessible Vehicle (WAV).

Any WAV being licensed must meet the WAV specification as approved by the Licensing Committee in 2014.

GROUNDINGS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii) the nature and extent of the proposed activity;

(iii) the kind of persons likely to be in the premises, vehicle or vessel;

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

(d) there is other good reason for refusing the application;

and otherwise shall grant the application.

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SPECIFICATION FOR WHEELCHAIR ACCESSIBLE TAXI VEHICLES

SECTION ONE. Wheelchair Accessibility Requirements.

1. Wheelchair spaces

Number required	1 (minimum)	
Orientation	Either forwards or rearwards	

2. Forward facing wheelchair spaces

Wheelchair space requirements	Length 1130mm (min) Width 690mm (min) Height 1340mm (min)	
Gradient	The slope of the floor between any two points within the wheelchair space shall not exceed 11 degrees in the longitudinal plane and 5 degrees in the transverse plane.	
Acceptable intrusions into the wheelchair space	One or more tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheelchair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and fittings.	
Wheelchair user safety provisions	Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user restraint system.	

3. Rearward facing wheelchair spaces

Wheelchair space requirements	Length 1070mm (min) Width 690mm (min) Height 1340mm (min)	
Gradient	The slope of the floor between any two points within the wheelchair space shall not exceed 11 degrees in the longitudinal plane and 5 degrees in the transverse plane.	
Acceptable intrusions into the wheelchair space	One or more tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheelchair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and fittings.	
Wheelchair user safety provisions	Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user restraint system.	

4. Boarding Lifts and Ramps

Safe Working Load	300 kg (min)	
Means of preventing the vehicle being driven away	Not allow the vehicle to be driven away whilst device is deployed.	
Dimensions (length applies to that outside of the overall vehicle body footprint at the ramp entry level)	Single piece ramp Width 700mm (min) Length 1600mm (min) Lift Width 700mm (min) Length 1200mm (min)	
Ramp Gradients (can be achieved using a kneeling system)	Side Entry Kerb (125mm): 14 degrees (max) Ground : 19 degrees (max) Rear Entry Ground : 14 degrees (max)	
Slip Resistant Surfaces	All surfaces over which a wheelchair user may travel shall have a slip resistant finish applied.	
Handrails	Ramps : Not required Lifts : Where the platform travel exceeds a height of 500mm from the ground then a handrail must be provided.	
Guards	Ramps : None Lifts : Side upstands 25mm high and automatic roll-off devices fitted at least 100mm high at each end of the platform.	
Colour contrasting edge markings	A band contrasting with the remainder of the boarding ramp or lift surface, 45mm to 55mm in width around and abutting the edge of the ramp or lift surface.	
Control and fail-safe mechanisms for power operated equipment	Power operated equipment shall only be capable of operation from a control adjacent to the ramp or lift.	
Load sensors and recycling mechanisms for power operated equipment	A device to stop the movement of the boarding ramp or lift if that motion is likely to cause injury.	
Manual over-ride provisions for power operated equipment	A provision to repeatedly operate the equipment in the event of power failure shall be provided.	
Manual / portable ramp storage provisions	Such ramps must have a designated stowage location which can store the equipment such that it does not present a risk of injury.	

5. Entrances and Exits

Number and position	A minimum of one located on the nearside or the rear of the vehicle.	
Minimum doorway width	740mm	
Minimum doorway height	1230mm	

6. Interior Manoeuvring

From a wheelchair entrance to a wheelchair space	No requirement	
From a wheelchair space to a wheelchair exit	No requirement	
Floor gradient	No requirement	

7. Signs and Markings

Interior	Visible advice to wheelchair user and taxi driver on positioning of wheelchair and use of wheelchair tie-down and occupant restraint systems.	
Exterior	Clear indication that the vehicle is wheelchair accessible.	

SECTION TWO **Ambulatory Accessibility Requirements**

1. Entrances and Exits

Number and location	A minimum of one located on the nearside or the rear of the vehicle.	
Aperture dimensions	Where the priority seat meets the requirements of 3(a) it shall be of adequate dimensions to allow the passage through the aperture of the occupied priority seat. Where the priority seat meets the requirements of 3(b)(i) the door aperture shall allow the passenger to easily access the seat from outside of the vehicle. Where the priority seat meets the requirements of 3(b)(ii) the doorway shall be 650mm wide by 1230mm high.	
Manual door design	Hinged and sliding doors acceptable.	
Powered door requirements	(a) Shall be capable of operation by a passenger when the vehicle is stationary. (b) A device to stop the movement if that motion is likely to cause injury to a passenger or pedestrian. (c) A provision to operate the equipment in the event of a power failure.	

2. Interior Space

Floor	Any surface over which a passenger is required to walk shall have a slip resistant finish.	
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3. Priority Seat

Provision	<p>At least one priority seat must be provided which may be either :</p> <p>a) a multi-axial moving seat which can be easily used by a passenger boarding from the kerb or ground or ;</p> <p>b) a fixed seat design ;</p> <p>i) providing the cushion is no more than 200mm measured inwards from the entrance or ;</p> <p>ii) providing the cushion is as near as practicable to the entrance and the internal floor to roof height exceeds 1500mm.</p>	
Orientation	Forward or rear facing.	
Spacing	<p>For all forward facing priority seat configurations, the clear space in front of the SRP shall be 650mm minimum.</p> <p>For facing seat configurations the seat back separation shall be 1300mm minimum and the distance between the leading edges of each seat cushion shall be 400mm minimum.</p>	
Dimensions	<p>All priority seats shall have a minimum width of 380mm and a depth of 340mm - 510mm.</p> <p>The SRP of a fixed seat complying with the requirements of 3(b)(i) or (ii), or of a multi-axial moving seat when positioned for travel, shall have a height above the vehicle floor of 300mm – 450mm.</p> <p>Additionally, the SRP of a fixed seat complying with the requirements of 3(b)(i), or a multi-axial moving seat complying with 3(a) when deployed for boarding and alighting, shall have a height above the ground of 420mm – 870mm.</p>	

4. Steps

Dimensions	1 st step from the ground shall not exceed 250mm. Subsequent steps 100mm - 200mm. Width 400mm minimum Depth 190mm minimum	
Design features	Steps shall be designed to be, slip resistant, minimise tripping risk and have a contrasting band along the front edge of 45mm - 55mm.	
Maximum number of intermediate steps from ground to vehicle floor	Two	
Step operation for non-fixed steps	No requirement.	
Requirements for power operated steps	A device to stop the movement if that motion is likely to cause injury. A provision to repeatedly operate the equipment in the event of power failure shall be provided.	

5. Handrails and Handholds

Position	Handrails / handholds must be provided for disabled passengers entering / exiting the vehicle and when manoeuvring inside the vehicle to a seat.	
Dimensions	20mm – 35mm diameter or oval with the maximum section 30 – 35mm and the minimum section 20mm.	
Design	Handrails and handholds shall be slip resistant, capable of being easily and firmly gripped and visually contrast with surroundings.	

SECTION THREE General Requirements

1. Lighting

Design Features	Lighting shall be fitted to illuminate the interior and exterior of the vehicle sufficient to allow both wheelchair users and other passengers to board and alight the vehicle in safety. Any lighting fitted in accordance with this requirement shall have a means of preventing its operation when the vehicle is in motion if its use is likely to affect adversely the driver's vision.	
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2. Kneeling Systems

Design Features	When a kneeling system is fitted a switch shall be used to enable operation and must be under the direct control of the driver. The lowering process shall be capable of being stopped and reversed and shall prevent the vehicle being driven at a speed exceeding 5 mph. when the vehicle is lowered.	
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3. Securing Equipment

Design Features	All wheelchairs shall be secured with tested and approved equipment.	
Storage	Secure storage is required for all securing equipment when not in use.	

DEFINITIONS – in this document –

“boarding lift” means a lift fitted to a regulated taxi for the purpose of allowing wheelchair users to board and alight the vehicle ;

“boarding ramp” means a ramp fitted to a regulated taxi for the purpose of allowing wheelchair users to board and alight the vehicle ;

“contrast” means a contrast in the amount of light which is reflected by the surfaces of the parts of a regulated taxi or its equipment which is required by this specification to contrast ;

“cushion” means that part of the seat on which the person using the seat sits, whether padded or not ;

“deep” in relation to a step, means the distance from the outer edge of the nosing of the step tread to the rear of the step tread ;

“entrance” means an entrance to a regulated taxi providing access to a priority seat or a wheelchair space ;

“exit” means an exit from a regulated taxi but does not include an exit which is provided for use only in case of emergency ;

“external step” means the last step or platform from an entrance or an exit which leads directly from the vehicle to the ground ;

“kg” means kilogram(s) ;

“kneeling system” means a system which enables the bodywork of a regulated taxi to be lowered relative to its normal height of travel ;

“licensed area” means the area of The City of Aberdeen ;

“licensing authority” means Aberdeen City Council ;

“mm” means millimetre(s) ;

“normal height of travel” means the height specified by the vehicle’s manufacturer for normal vehicle travel ;

“portable ramp” means a ramp which is carried in a regulated taxi for the purpose of allowing wheelchair users to board and alight from the vehicle ;

“power grip” means a grip in which the fingers and thumb are able to wrap around a handle ;

“priority seat” means a seat designated as such in accordance with Paragraph 3 of Section 2 of this specification ;

“private hire car” means a hire car other than a taxi as defined in Section 23 of the Civic Government (Scotland) Act 1982.

“reference wheelchair” means an occupied wheelchair having the dimensions shown in Diagram A ;

“seat” means a seat intended for use by passengers and, accordingly, does not include the driver’s seat ;

“SRP” means Seat Reference Point, which is the point at which the seat cushion and seat back join, midway across the seat cushion width. Where the seat cushion and back components do not meet, the plane of the seat back and cushion shall be projected to an intersection ;

“taxi” means a hire car as defined in Section 23 of the Civic Government (Scotland) Act 1982.

“Taxi Inspector” means any person authorised by Aberdeen City Council to exercise the powers to carry out the duties of the Taxi Inspector or any person acting under the direct instructions or with the authority of the Taxi Inspector ;

“wheelchair user” means a disabled person using a wheelchair.

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