

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.