
COMMITTEE Licensing

DATE 24th February 2010

DIRECTOR Stewart Carruth

TITLE OF REPORT Variation of Condition on Airport Zoned Taxi Licences

REPORT NUMBER: CG/10/029

1. PURPOSE OF REPORT

To inform Members of the advantages and disadvantages of varying the airport zoned taxi licence conditions to enable those operators to pick up fares from the night time taxi ranks on Union Street when they are in operation on Friday and Saturday nights.

2. RECOMMENDATION(S)

- a) that the Committee initiates a trial period of 6 months whereby airport zoned taxis are permitted to operate in the city when the night time taxi ranks are in operation
- b) that the zoning condition on airport zoned taxis be suspended to enable this to happen on Saturday nights between the hours of 00.00 and 05.00
- c) that airport zoned taxis which take advantage of the suspension of the zoning condition also be permitted to pick up passengers in the street by being flagged down
- d) that a report be forthcoming at the end of the trial period on whether the situation be made permanent by varying the condition.

3. FINANCIAL IMPLICATIONS

None

4. SERVICE & COMMUNITY IMPACT

None

5. OTHER IMPLICATIONS

None

6. REPORT

- 6.1 At its meeting on 2nd December 2009 the Committee resolved to vary the conditions on city zoned taxi licences (yellow plates) to enable those operators to pick up fares at the airport when the "green light" system was in operation. By way of compensation for loss of trade, the Committee also

instructed officers to investigate the possibility of varying airport zoned taxi licences (green plates) to allow those operators to pick up fares from the night time taxi ranks on Union Street when they are in operation on Friday and Saturday nights.

The purpose of both variations is to assist in clearing long queues of passengers at busy times when insufficient taxis for the respective zones are available, to satisfy the public demand for sufficient taxis to be available and for the taxi trade, as a public transport service provider to offer an efficient and effective taxi service.

Please note that when reference is made to the airport zone this includes the heliport.

- 6.2 A limited consultation exercise was carried out on the proposal to allow green plates to pick up on the night time taxi ranks. All taxi operators were advised by letter of the decision of 2nd December 2009 and told that a report would be forthcoming in respect of this additional proposal. They were asked for comments on the proposal. This generated 17 responses by phone and email.

Some respondents (a mix of operators from both zones) thought it was unfair that those who worked the day shift at the airport would not get an opportunity to pick up in town. Most were of the opinion that there was not enough work to go around in any part of the city without sharing that limited amount amongst even more licence holders.

- 6.3 It should be borne in mind that, if introduced this will involve a second variation to the zoning in the city and the more variants there are the more opportunity there is for ambiguity which in turn makes enforcement more difficult and potentially adds to complaints.

- 6.4 Two issues require to be clarified before this variation can be consulted on formally.

- 6.4.1 The first issue is that of airport zoned taxis plying for hire on the street and thereby being flagged down by passengers, and the use of taxi ranks. Section 23 of the Civic Government (Scotland) Act 1982, (the 1982 Act) defines a taxi as a vehicle which “is engaged, by arrangements made in a public place.....” It is this provision which allows a taxi to be flagged down in the street or to operate from a taxi rank.

Paragraph 5(2) of Schedule 1 of the 1982 Act allows a Licensing Authority to impose a condition restricting the validity of a licensed activity to a particular **area** (zoning). This means that the zoning of the airport is a condition on the licence. Paragraph 5 also stipulates that a condition must be reasonable. The Licensing Authority has a wide discretion in imposing conditions provided they are reasonable, clear and enforceable.

If airport zoned taxis are to be permitted to operate in the city on Fridays and Saturdays when the night time ranks are in operation from 00.00 – 05.00, this will involve an amendment to the condition. A decision is required on whether these taxis will be restricted to operating from the ranks or if they can be flagged down in the street as well.

6.4.2 The second issue concerns surcharges. A £1 surcharge is applied to each hire commencing at the airport which airport zoned operators are permitted to charge to take account of the dead mileage driving back to the airport without a fare paying passenger. If these operators are picking up in the city zone they will not be entitled to this surcharge. Working the night time ranks will be a choice made by each individual driver. Therefore, they will have to accept that they lose this surcharge which cannot be justified in the circumstances. There are other surcharges however which apply at night and which will be available to any operator who works at night. These are shown on the taxi tariff card. All surcharges are added manually to the meter. Drivers will have to remember which are applicable and apply them accurately.

6.5 This report was discussed at the Taxi Consultation Group on 8th February 2010. No clear consensus of opinion emerged.

A suggestion was eventually made that one way of moving forward might be to initiate a trial period and to suspend the zoning condition on the airport zoned licences during the time the night time taxi ranks are in operation thereby allowing airport zoned taxis to operate in the city zone during those times. This is done for the oil exhibition every 2 years and works well. In this case operators who choose to take advantage of the zone suspension could work on the night time ranks and be flagged down in the street. This would make enforcement easier and fairer as it is clear and unambiguous. The suspension would apply on Saturday night only and between the times of 00.00 and 05.00. An airport operator could pick up a hire before 05.00 and complete that hire. He could not pick up a passenger after 05.00.

6.6 It was suggested that it was not necessary to include Friday nights as the city centre was not busy enough to justify this and making the change on a Saturday night would be sufficient.

7. REPORT AUTHOR DETAILS

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1. BACKGROUND PAPERS

Refer to any sources used in the writing of your report. Please note that it is a statutory requirement that any papers that are listed must be made available to the public on request.