

TAXI CONSULTATION GROUP

ABERDEEN, 1 March 2016. Minute of Meeting of the TAXI CONSULTATION GROUP. Present:- Councillor Carle, Convener; and Councillors Boulton (for items 1 to 7), Graham (for items 1 to 7), MacGregor and Malone (for items 1 to 7); and Gordon Anderson (Independent Drivers), Tommy Campbell (Unite the Union) (for items 1 to 8), Stewart Duncan (Airport Drivers), Graeme McColl (Aberdeen Taxi Group), Steve Robertson (Unite the Union) and Alastair Williamson (Disability Advisory Group).

In attendance:- Paul Connolly and Ruth O'Hare (Litigation and Licensing); Fiona Selbie (Acting Legal Manager, Litigation and Licensing) (for item 4 only), Kymme Fraser (Child Protection Programme Development Manager, Education and Children's Services) and Detective Sergeant Graham Moir, Police Scotland) (up to item 5); David McKane (Enforcement Officer, Legal and Democratic Services), Gary Hughes (Workshop Manager, Fleet Services); Kate Lines and Lynsey McBain (Democratic Services).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=398&MIId=4042&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

APOLOGIES

1. Apologies were intimated on behalf of Sergeant Flett.

ORDER OF AGENDA

2. The Convener proposed that item 11 on the agenda (Licensing Application Fees 2016 – 2017) be considered earlier on the agenda to allow Fiona Selbie, Acting Legal Manager, Litigation and Licensing to leave thereafter.

The Consultation Group resolved:
to accept the proposal.

MINUTE OF PREVIOUS MEETING

3. The Consultation Group had before it the minute of its previous meeting of 28 October 2015.

The Consultation Group resolved:
to approve the minute.

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LICENSING APPLICATION FEES 2016 - 2017

4. The Group had before it for discussion a report by the Interim Director of Corporate Governance which outlined proposed Licensing Fees for the Taxi Trade for the year 2016 to 2017.

Fiona Selbie spoke to the report and explained the reasons behind proposed increases in fees charged.

Mrs Selbie advised that since the meeting in October, a second Enforcement Officer had been appointed and was due to start shortly.

She advised that the proposed fees remained broadly similar to previous years with small increases to cover the costs involved in purchasing a new vehicle ramp, the second Enforcement Officer and costs likely to be incurred by medical referrals.

Mrs Selbie advised that the report had been prepared to take in to account forecast income and expenditure and that there was no scope for any historical surplus to be rolled over to offset the expenditure involved in providing the Taxi Licensing Service.

Mrs Selbie was advised that the Group was still waiting for a further breakdown of expenditure from Finance as agreed at the meeting of 28 October.

The Consultation Group resolved:

- (i) to request that Mrs Selbie enquire after the outstanding report from Finance;
- (ii) to request that the Group's dissension to the proposed increase in fees be noted;
and
- (iii) to note that a report on Licensing Fees for 2016/2017 would be considered by the Licensing Committee on 8 March 2016 and that requests for deputation could be submitted to the Committee in this regard.

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CHILD SEXUAL EXPLOITATION

5. The Group had before it a guidance report prepared by the Aberdeen City Child Protection Committee which outlined various aspects relating to child sexual exploitation and how to recognise children who might be at risk. The guide explained what Child Sexual Exploitation (CSE) included, the potential victims and effects on those victims, as well as examples of indicators that a child might be at risk of CSE.

Kymme Fraser, Child Protection Programme Development Manager, Aberdeen City Council, spoke to the report and highlighted the role which taxi drivers could play in keeping children in the city safe from harm. She advised that everyone had responsibility for child protection, it involved a multi-agency approach, and was not only the responsibility of the Police and Social Work officers.

Detective Sergeant Moir, Police Scotland, was also in attendance and gave a presentation on the work of Police Scotland with regard to child sexual exploitation wherein he advised that a multi-agency improvement plan was in place, with a sub committee concentrating on sexual exploitation and working towards mapping the scale of the problem within Aberdeen. The Group was advised that the Scottish Government was working at a national level to tackle the matter and that a guidance leaflet was being developed which would be circulated in due course.

The Group was further advised that sexual exploitation had no boundaries and could affect any child of either sex from any background, with children often not realising the situation they were in until it was too late. Detective Sergeant Moir explained that it was his job to identify vulnerable children at risk of sexual exploitation and intervene before it reached that stage. Engagement with parents and carers was already in place to raise awareness and it was necessary to extend this awareness and knowledge across the city.

He intimated that it was known that children used or were transported on public transport or taxis to reach properties involved in these activities. First Bus, Union Square and other businesses and communities had also been asked to be actively involved in monitoring children. Examples were given as to how taxi drivers could spot possible warning signs that a child might be at harm, or premises where children could be at risk and it was felt that taxi drivers with their extensive knowledge of the city were well placed to notice properties such as 'party flats' with high footfall of children and could therefore play a key role in alerting the police or social services to these children and properties. It was highlighted that the frequently used properties were easy to spot but that one off use might prove harder to recognise.

Graeme McColl thanked Mrs Fraser and Detective Sergeant Moir for their report and highlighted previous problems with informing the Police about drugs problems. There had been no easy medium to pass on information and he felt this was a major stumbling block. It was felt that difficulties included knowing what information was needed and also a wish to remain anonymous. It was highlighted that anyone with

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concerns should pass on the information rather than trying to make a judgement themselves as to whether their information was relevant or correct. Mrs Fraser suggested that a single, easy to use depository was key to information being passed on. A 'voicebank' was suggested which had worked well for other areas of crime reporting.

The Convener thanked Mrs Fraser and Detective Sergeant Moir for their input.

The Consultation Group resolved:

- (i) to thank Mrs Fraser and Detective Sergeant Moir for their attendance; and
- (ii) to agree that any ideas and suggestions on how to pass on information in relation to concerns about the safety of a child be sent to the Licensing team and/or the clerk to the Group for forwarding to Mrs Fraser.

STATION GATEWAY - ABERDEEN CITY CENTRE MASTERPLAN

6. The Group had before it a report which comprised of a letter and the Draft Station Gateway Development Brief consultation document which had previously been circulated to the Group.

The Convener raised the issue of the deadline for comments which had already passed before the meeting but that it was still valuable to discuss the masterplan and forward on comments if required.

It was felt that the draft masterplan didn't seem to have adequately addressed the need for proposed road closures; in particular, the proposed closure of Guild Street was felt to be of significant concern.

Alastair Williamson advised that he was Chair of the Access Panel and he was not happy to accept the masterplan as circulated as it did not allow access for mobility impaired visitors and passengers. There was no blue badge parking allocation on Union Street in the draft masterplan and he felt that the distances to blue badge spaces would drive people out of Aberdeen. Mr Williamson advised that he was trying to set up a meeting with the officer involved in the blue badge scheme. The difficulties faced by the visually impaired, particularly those with guide dogs was highlighted, in particular the access from the College Street car park as it wasn't at concourse level; he advised that guide dog users were not able to use lifts with their dogs for safety reasons.

Graeme McColl highlighted the risks of dropping off wheelchair users on Guild Street and that access for wheelchair users should be retained within the station, not moved to College Street or Guild Street.

The Convener proposed that the concerns raised by the Group be fed in to the consultation process, even though the deadline had passed and to ask that they be considered as part of the process.

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The Consultation Group resolved:

to agree that the concerns raised be forwarded to the officers involved in the consultation process.

WHEELCHAIR ACCESSIBLE POLICY

7. The Group had before it a request from Stewart Duncan representing the Airport Drivers to discuss the forthcoming deadline for the full implementation of the Wheelchair Accessible Vehicle Policy in light of the current financial downturn across the city.

Mr Duncan highlighted the costs involved to purchase new or replacement accessible vehicles at a time when many drivers were experiencing a severe drop in income and that there was a risk that many drivers would change from holding a yellow plate to a red plate to avoid the expenditure involved in purchasing or leasing an accessible vehicle to comply with the policy.

He suggested that not only would the taxi trade suffer with the drop in number of cars carrying a yellow plate but that the public would also suffer as drivers felt unable to commit to the expense involved in replacing or purchasing an accessible vehicle and that they might leave the trade entirely.

Tommy Campbell, representing Unite the Union advised that Unite were also concerned over the implementation of the Policy during this difficult financial period and were seeking a review. He questioned the objectives behind the Policy and advised that he was not aware of any passengers being disadvantaged by not being provided with an accessible vehicle.

David McKane advised that out of a fleet of 545 vehicles, 54% complied with the accessible vehicle policy and confirmed that complaints concerning lack of availability were few in number.

Councillor Boulton advised that the Accessible Vehicle Policy had been implemented to comply with the Council's duties under the Equalities Act 2010 and that it had taken a considerable period of time to reach the current level of accessible vehicles in the fleet. The Council had taken a decision to achieve a high percentage of accessible vehicles at a time when the Council had been under scrutiny for not promoting the public sector equality duty.

In response to a question from Graeme McColl, Paul Connolly confirmed that a full impact assessment had been followed with full consultation with the general public and taxi trade prior to the Policy being introduced and the majority response had been in favour of the Policy. The consultation results recognised that some passengers preferred to be able to pre-book a saloon car instead of an accessible vehicle. A five

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year implementation period had been allowed so that drivers could budget for the costs of buying or leasing an accessible vehicle and this period was due to end in June 2017.

Mr Connolly confirmed that a 100% accessible fleet had been achieved in other cities. He confirmed that due care had been taken to ensure full compliance with legislation at the time and that the Council's implementation of the Policy complied with the Equality Act 2010 in terms of the Council's obligation to have due regard to its Public Sector Equality Duty. To take action contrary to that decision would require another consultation and reassessment.

At this point Councillor Hutchison advised that he had put forward a motion to the Licensing Committee and the Convener suggested that members of the Group could make a request for deputation. The Group were advised of the procedure and deadline for submission of any requests to make a deputation and Paul Connolly confirmed that Standing Orders could be suspended by the Committee if they wished to allow deputations to be heard.

In response to a query from Graeme McColl, Ruth O'Hare advised that the Policy had previously been the subject of legal challenge in the case of Wilson v Aberdeen City Council. The Court of Session had found in favour of the Council and was wholly sympathetic to a 100% accessible vehicle policy. It was therefore the view of officers that the policy was legally sound.

Stewart Duncan suggested that in light of the current economic situation it would be difficult to retain taxi drivers when savings could be easily made by changing to the private hire licence and retaining a saloon vehicle. The costs of presenting an accessible vehicle for licensing as a taxi could therefore put off new taxi drivers from entering the trade.

Tommy Campbell left the meeting at this point and Steve Robertson took his place as Unite representative.

Councillor Graham left the meeting at this point.

The difficulties experienced by some members of the public in using accessible vehicles was also discussed, with particular reference to the visually impaired who used guide dogs and also the more frail passengers who didn't need wheelchair provision but found a saloon car met their needs better. Alastair Williamson advised that throughout the years he had been a member of the Disability Advisory Group (DAG) that there had been a shortage of private hire cars but no shortage of accessible vehicles.

Councillor Boulton advised that the Licensing Committee had discretion to permit the use of a saloon car instead of an accessible vehicle and also suggested that an extra meeting of the Taxi Consultation Group be arranged to discuss the concerns raised over changing from taxi to private hire licences. She noted that this meeting might be

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open to interested parties such as the Police to gain an up to date view and seek a way forward.

The Consultation Group resolved:

- (i) to request that a meeting be arranged to discuss the procedures involved to change from taxi licences to private hire licences;
- (ii) to note that the Accessible Vehicle Policy was the subject of a motion to be heard at the Licensing Committee on 8 March 2016; and
- (iii) to otherwise note the information.

Councillors Boulton and Malone left the meeting at this stage.

NUMBER OF NEW PRIVATE HIRE APPLICATIONS - SUBMITTED BY UNITE THE UNION

8. The Consultation Group heard from Ruth O'Hare in response to a request for information submitted by Tommy Campbell of Unite. Ms O'Hare advised that they had received 110 applications for private hire driver licences and 2 applications for private hire car licences.

The Consultation Group resolved:

to note the information provided.

UPDATE ON ABERDEEN CITY COUNCIL CONDITIONS NOW APPLYING TO NEW PRIVATE HIRE TAXI DRIVERS - DISCUSSION - SUBMITTED BY UNITE THE UNION

9. The Consultation Group heard from Steve Robertson, on behalf of Unite the Union, who advised that the Union had recently consulted the taxi trade on the street knowledge part of the Taxi Driver test. It had been suggested that private hire drivers who had not passed the street knowledge test should not be allowed to install a meter and should only be allowed to offer a fixed price for journeys to protect the taxi trade's reputation. It was further proposed that once the new legislation had been passed that there be a condition on new drivers' licences whereby they would have to sit the street knowledge part of the taxi driver test before they could have their licence renewed. Ruth O'Hare, Solicitor advised that once the legislation was introduced the suggested proposal could be taken to the Licensing Committee for consideration.

The optional use of meters on private hire cars was highlighted as a potential problem as there was the chance that a private hire car driver could choose to pick up passengers as if they were a licensed taxi driver, likewise the public might be tempted to use metered private hire cars in the same manner as licensed taxis. It was felt that

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this posed a risk to the good relationship with the general public currently experienced by licensed taxi drivers.

The Consultation Group resolved:

to request that, following the introduction of the relevant provisions of the Air Weapons and Licensing (Scotland) Act 2015, the Licensing Committee consider imposing additional conditions on private hire driver licences to include a requirement to pass the street knowledge test upon renewal of the licence.

TRANSFER RULES FROM YELLOW TO RED PLATES AND CONDITIONS ON NEW PRIVATE HIRE DRIVERS - SUBMITTED BY UNITE THE UNION

10. The Consultation Group had before it a request from Unite the Union to discuss the current rules for transferring from taxi licences to private hire licences.

Steve Robertson raised concerns that Unite had raised in respect of the high chance that drivers would choose to change from a taxi licence to a private hire car licence once the accessible vehicle policy was fully implemented to avoid the costs of obtaining an accessible vehicle. He advised that currently a change in licence type from taxi to private hire involved a 3 to 4 week delay with the car having to be taken out of circulation with subsequent loss of earnings as these applications were treated as a new licence application. There was also a lack of continuity between ages of vehicles on the different types of licences and he proposed that the age limit be the same for both licences and that the timescale for these transfers be reduced.

The Convener advised that the Licensing Committee had the discretion to allow older cars to be licensed and it was further advised that the delay in processing transfers was due to the legal minimum of 28 days to allow full background checks and reports to be submitted. Mr McKane advised that an application for a temporary licence did not incur these delays and that an application for a temporary and full licence could be made 28 days in advance of the proposed transfer to mitigate any reduction in earnings. The applicant would have to pay for the additional temporary licence but this would likely be preferable to losing income whilst the full licence was processed. It was possible, by applying in advance to be able to obtain the plates for the car on the same day as the licence was approved, provided the applicant made an appointment in advance to have the plates issued.

The restriction of only being able to have one licence at any time was raised and the Convener suggested this might be taken to the Licensing Committee for consideration.

The Consultation Group resolved:

(i) to recommend that the Licensing Committee request officers to check current legislation and investigate the procedures involved in changing

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- from a taxi licence to a private hire car licence and report back to the Licensing Committee in this regard; and
- (ii) to recommend that the Licensing Committee take no action on the age of vehicles being transferred at this stage but look at proposals to assist licence holders in the transfer from a taxi to a private hire licence.

**TAXI INSPECTION CENTRE - SUBMITTED BY GORDON ANDERSON
(INDEPENDENT DRIVERS)**

11. The Consultation Group had before it a request by Gordon Anderson, Independent Drivers, to discuss inconsistencies in advice given by the taxi inspection centre with regard to the condition of bodywork and the positioning of licence plates. The report included a photograph of Mr Anderson's car highlighting some damage which had required the car to be removed from taxi duties.

Mr Anderson advised that he had received complaints from other drivers about the quality of inspection carried out and that safety critical components were only being given a cursory check. He raised the current policy of a general pool of mechanics being involved in the taxi inspections instead of dedicated mechanics.

Gary Hughes, Workshop Manager, Fleet Services advised that there were 5 taxi inspectors and that training and standardisation of inspection was continually being progressed. He further advised that the position of taxi plates was clearly stated under rule 2.4 of the Tester's Manual as well as the 14 day re-test notice. The issue of drivers turning up without booking an appointment was raised by the service and it was suggested that this might be a factor in any delays for re-inspection.

The Group resolved:

to note the information provided.

Mr Hughes left the meeting at this point.

ENFORCEMENT OFFICER REPORT

12. The Group had before it a report by the Enforcement Officer which provided an update on licensing issues previously highlighted by the Taxi Trade with action being taken by the appropriate authorities.

The Consultation Group resolved:

to note the update provided.

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AOCB

13. (A) 2017 Accessible Vehicle Deadline and Taxi Driver Training

Ruth O'Hare advised that the questionnaire was now ready and it was intended that it could be sent out to drivers mid-March along with the reminder letter concerning the 2017 deadline for accessible vehicles being required.

(B) Taxi Meter Chips

Steve Robertson raised the frequency of taxi meter chips being updated. Mr McKane advised that due to the complexity of the tariffs and the risk of loss of data held on the chip that it was only possible to update them every two years.

(C) CCTV in Vehicles

Steve Robertson advised that the CCTV policy was too complex and that most drivers were ignoring it. Mr McKane advised that it was designed to be easily understandable and guidance on the process could be sought from Licensing officers.

(D) Airport Licensed Cars

Steve Robertson asked that Airport zoned cars be prevented from working at the weekends when their trade reduced as it was impacting on drivers who didn't have an airport zoned car. The Convener proposed that this be discussed at a further Group meeting in due course.

(E) Green Light at Aberdeen Airport

Mr Duncan requested that the green light at Aberdeen Airport be relocated.

The Consultation Group resolved:

- (i) to discuss restricting airport zoned cars from working at the weekends at a future meeting; and
- (ii) to otherwise note the information provided.

DATE OF NEXT MEETING

14. The Consultation Group were advised that the next meeting was to be held at 10am on 9 June.

- Councillor Scott Carle, Convener.