

## TAXI CONSULTATION GROUP

ABERDEEN, 9 June 2016. Minute of Meeting of the TAXI CONSULTATION GROUP. Present:- Councillor Carle, Convener; Councillor Hutchison (as substitute for Councillor MacGregor); and Peter Campbell (Unite the Union), Stewart Duncan (Airport Drivers) and Graeme McColl (Aberdeen Taxi Group).

In attendance:- Russell McLeod (Rainbow City Taxis), Sergeant Gillian Flett (Police Scotland), Paul Dixon (Finance), Izy Deans, Karen Gatherum, David McKane and Ruth O'Hare (Litigation and Licensing, Legal and Democratic Services), Gary Hughes and Barry Pallister (Fleet Services) and Kate Lines and Martyn Orchard (Democratic Services).

**The agenda and reports associated with this minute can be located at the following link:**

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=398&MIId=4043&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.**

### ORDER OF AGENDA

1. The Convener proposed that items 4 (Taxi Testing Requirements) and 12 (Finance Report) be considered as the first two items of business.

#### **The Consultation Group resolved:**

to accept the proposal.

### TAXI TESTING REQUIREMENTS

2. Ruth O'Hare introduced Russell McLeod from Rainbow City Taxis, who had raised some issues regarding taxi testing requirements and explained that the Taxi Consultation Group was the appropriate forum to consider them.

Mr McLeod advised the Group that he had submitted a vehicle for testing on 24 May 2016 which had received a 14 day re-test certificate for minor paintwork damage. On inspection there was some peeling of the top lacquer, however Mr McLeod raised concerns that whilst the paintwork needed attention the testing process was cumbersome. He explained that there was no route of appeal other than to go to the Licensing Committee which would potentially cause a loss of earnings for drivers for minor issues. Mr McLeod felt that there should be an easy route to appeal such cases and asked whether any costs associated were incurred by drivers or the taxi testing service.

Mr McLeod further advised of an instance where a vehicle had been issued with a 14 day re-test certificate for a two minute discrepancy on its meter clock when compared to the clock within the vehicle testing workshop. Mr McLeod stated that a two minute

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discrepancy had no impact on the service provided. He advised that neither vehicle had been taken off the road however he requested that the taxi testing criteria be reviewed.

David McKane advised that the route to appeal was to firstly ask the tester to re-test the vehicle or to escalate the matter to Gary Hughes (Workshop Manager) who would inspect the vehicle himself. He added that Mr Hughes had upheld appeals in the past. The final stage of appeal was to request that the Licensing Committee consider the case. There was no charge incurred in the issuing of a 14 or 28 day re-test, however a taxi operator did incur additional costs in the event of a vehicle failing the inspection test.

Mr McKane addressed the situation regarding taxi meters and advised that all meters needed to be accurate in terms of the Council's policy - the workshop clock was checked to match with the computer in the inspection centre, therefore every taxi meter was set to the same time upon leaving the workshop.

Graeme McColl advised that he had met with Mr Hughes to discuss some of these issues and felt that there was merit in the Council revisiting its testing manual, and appeals process, as it had been some time since it had been reviewed, having originally been developed from the manual used by Moray Council. Mr McColl explained that he had to reset meters on a daily basis as a meter agent, as the time was prone to drift, however they could be reset via a smartphone app and did not need to be manually adjusted. He emphasised that there needed to be consistency in testing - for example some vehicles were being failed for being dirty, which was then overruled by Mr Hughes.

The Group welcomed the suggestion to review the testing manual and the appeals process, and discussed the possibility of a small working group being established to undertake this task.

**The Consultation Group resolved:**

**to recommend to the Licensing Committee that a small working group be established to review the taxi testing manual and the appeals process.**

**REPORT BY HEAD OF FINANCE REGARDING PRIOR YEARS' SURPLUSES**

3. With reference to Article 4 of the minute of its meeting of 28 October 2015, the Group had before it a report by the Head of Finance which provided a summary of estimated income and expenditure relating to taxi licences since 2012/13, as well as budgeted income and expenditure for 2016/17.

Paul Dixon, Accounting Manager, spoke to the report and advised that the Council had a legal duty to cover the costs of administering taxi licensing within the scale of fees. He further advised that within each financial year there would be a fluctuation of income and expenditure and highlighted legal costs incurred during 2015/16 which had resulted

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in a deficit. Mr Dixon emphasised that there was no requirement for the Council to produce separate accounts for the administration of taxi licensing, therefore what had been produced, retrospectively from 2012/13, represented the best estimate based on the information that was available.

Graeme McColl asked a number of questions in connection with the accounts which Mr Dixon responded to. In response to a query regarding work contracted out, the Group was advised that this related to items such as the unmet demand survey every two years and a proportion of the costs relating to equipment replacement within the workshop which was used within the taxi licensing service. Concerns were raised about the taxi trade potentially paying for equipment used to service other vehicles. Mr Dixon advised that he did not have specific details but would ask for a list of the replacement equipment from Fleet Services. With regard to premises costs at Kittybrewster, Mr Dixon explained that these were an estimation of shared services on a proportionate rate with the two taxi ramps occupying 5% of the workshop area.

Mr McColl queried the use of a contingency fund in 2016/17 as it was the first time it had been included. Mr Dixon advised that this would previously have been seen as a surplus but would now be retained for unforeseen costs or reductions in income. In response to a further query with regard to previous surplus income, Mr Dixon advised that Council policy was to hold surplus funds within the General Fund. Current legislation did not require a carry forward of funds from the taxi trade and the Council would need to decide whether to carry forward funds specifically for the taxi trade.

In response to a query about providing more a detailed breakdown of specific budget headings, Mr Dixon reiterated that the figures represented a best estimate in terms of previous years however more specific income and expenditure would be available moving forward.

The Convener thanked Mr Dixon and his team for preparing the report and the estimated accounts and commented that they were a lot further forward than had been the case in the past.

**The Consultation Group resolved:**

- (i) to note the report; and
- (ii) to note that members of the Group would provide further feedback to Mr Dixon on an individual basis and that the matter be considered again at the next meeting.

**APOLOGIES**

4. Apologies were received on behalf of Councillors Graham, MacGregor and Reynolds; and Tommy Campbell (Unite).

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**MINUTE OF PREVIOUS MEETING**

5. The Consultation Group had before it the minute of the previous meeting of 1 March 2016.

**The Consultation Group resolved:**  
to approve the minute.

**TAXI AND PRIVATE HIRE CAR LICENSING - CONSULTATION ON THE IMPACT OF MODERN TECHNOLOGY**

6. The Group had before it the Scottish Government's consultation paper on Taxi and Private Hire Car Licensing - Consultation on the Impact of Modern Technology. Ruth O'Hare advised that the item had been included on the agenda for general discussion, and that the Council was preparing its own response.

Mr McColl suggested that it would be preferable for all taxis operating within the city boundary to be fitted with a meter, and to use the meter fare, as currently vehicles did not need a meter to pass the private hire test. Mr McKane advised that non metered cars had to agree the fare in advance of the journey commencing. The use of 'apps' was discussed, including current legislation covering the use of mobile phones by drivers; whether an 'app' constituted a booking office and also what the minimum number of cars taking bookings from a single contact point would be to constitute a booking office. Mr McKane confirmed that an app did not constitute a meter and that where multiple cars were being booked through the same app there would be a preference for this to be by way of a registered booking office although it was hard to enforce. Ms O'Hare advised that there was no desire to burden the taxi trade with more restrictions and that a booking office requirement should not be imposed on less than the three vehicles currently in place, however the use of apps as a 'virtual hail' needed to be investigated - officers believed that the use of Facebook, apps and email all constituted a pre-booking.

**The Consultation Group resolved:**  
to note the consultation paper.

**It was agreed to consider agenda items 3 (Enforcement Officer Report) and 6 (Number of New Private Hire Applications) together at this juncture as the number of new applications was contained within the report from the Enforcement Officer.**

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**ENFORCEMENT OFFICER REPORT AND NUMBER OF NEW LICENCE APPLICATIONS - SUBMITTED BY UNITE THE UNION**

7. The Group had before it a report by the Enforcement Officer which provided an update on licensing issues previously highlighted by the taxi trade, and a note of new issues raised and the action being taken by the appropriate authorities.

David McKane spoke to his report, highlighting the main issues as below.

(A) Aberdeen Airport

The Group was advised that difficulties encountered by drivers at the terminals at Bond Helicopters appeared to be resolved.

(B) Bridge Street

With reference to the illegal formation of a taxi rank at Bridge Street, all signage implying the rank was still active had been removed as well as the markings on the road. Police Scotland advised that officers had been patrolling the area which had reduced the unauthorised use in the early hours of the morning, however consistent penalty enforcement was difficult as details of individual vehicles were often not supplied at the time of a complaint being made.

Graeme McColl advised that funding for rank closed signs was available via the City Centre Partnership, recollected that this was being progressed and undertook to check the minutes of previous meetings.

(C) Private Hire Car Driver and Vehicle Licence Applications

The Group had before it an update on licence applications received between 1 January and 1 June 2016.

In regard to checking applications, Police Scotland advised that only information regarding criminal activity could be passed to a Licensing Authority. From 1 May 2016, applicants had to submit a copy of their current driving licence with a DVLA check code to enable the authority to verify their entitlement to drive in line with the requirements of the legislation. Application forms were being amended to reflect this change.

(D) Aberdeen Royal Infirmary - Illegal Use of Bus Stops

Complaints had been received that taxi drivers had been using the bus stops at the hospital to drop off and collect passengers and this was preventing access to the bus stops. Mr McKane confirmed that use of the bus stops by vehicles other than buses was not permitted. Complaints had also been received from the hospital that taxi drivers were parking in ambulance bays and also in the bus only terminus at the main entrance. Mr McKane emphasised that such practices must cease and any driver

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identified doing this in the future would be reported to the Licensing Committee with a recommendation that their licence be suspended.

(E) Back Wynd

Councillor Hutchison raised concerns that access to Back Wynd was often difficult due to high numbers of taxi drivers using the rank and parking beyond the rank limits. Mr McKane advised that Back Wynd was monitored and drivers had been moved on, however he would revisit the matter if it kept happening.

(F) Recruitment

Ruth O'Hare highlighted that the licensing team was recruiting new staff, and introduced Izy Deans who joined the Council as a second Enforcement Officer in March 2016.

**The Consultation Group resolved:**

- (i) to note that the provision of rank closed signs for Bridge Street was potentially being progressed via the City Centre Partnership, and if it was not that this be taken forward; and
- (ii) to otherwise note the updates.

**TAXI FARE SCHEDULE - ADDITION OF £2 AIRPORT CHARGE - SUBMITTED BY UNITE THE UNION**

8. The Group had before it a request from Unite that the £2 airport charge be added to the taxi fare schedule and that the Licensing Committee consider agreeing a mechanism that should the airport increase the charge again that the increased charge be automatically passed on to the passenger without waiting for the Council to approve it.

The Convener acknowledged the concerns within the trade and stated that he was also concerned at the potential for the charge to be increased by the airport on a regular basis.

Ruth O'Hare explained that the taxi fare schedule was subject to a statutory 18 month review and the next review was due by December 2016. She added that the only way the airport charge could be added to the taxi fare was via the review process - a report was due to be considered by the Licensing Committee in August, which would then go out to consultation and advertisement prior to a decision by the Committee in December.

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**The Consultation Group resolved:**

- (i) to note that a report on the review of the taxi fare schedule was to be considered by the Licensing Committee in August, prior to decision in December, and that this matter would be considered as part of the review;
- (ii) to request officers to investigate methods utilised by other licensing authorities in dealing with such additional charges; and
- (iii) to note the concerns expressed.

**BRIDGE STREET SIGNAGE - SUBMITTED BY UNITE THE UNION**

9. Further to the discussion under Article 7 of this minute, the Group had before it a request from Unite for the installation of signs on Bridge Street and outside or near the Station Hotel to clarify that these areas were not taxi pick up points.

Peter Campbell emphasised that enforcement needed to take place over a 24 hour period - there was distinct apathy in the trade as a result of drivers getting away with things that they should not be doing. He added that the night time taxi rank lights often caused confusion and that the one at the Castlegate was switched on outwith the hours it was supposed to, although this was due to be fixed.

Sergeant Flett advised that Police Scotland worked in partnership with the Enforcement Officer and that patrols moved illegally parked taxis on, however they did not take enforcement action. It was noted that the weekend briefings issued to the taxi trade by Police Scotland covered these issues.

**The Consultation Group resolved:**

- (i) to note the additional information; and
- (ii) to note that signage was being progressed via the City Centre Partnership.

**REVIEW OF OPERATION OF AIRPORT DRIVERS WITHIN THE CITY CENTRE - SUBMITTED BY UNITE THE UNION**

10. Peter Campbell advised that he was receiving an increasing number of complaints about airport zoned drivers taking trade from city zoned drivers following the downturn in business at the airport.

Ruth O'Hare stated that a report was awaited from the taxi marshals with data from the last 12 months which would feed into any review in terms of the taxi demand survey, and that this was a matter for the Licensing Committee to determine.

Some members of the Group expressed caution about potentially changing the decision to allow airport drivers to operate in the city centre as circumstances could change at any point. It was suggested that the main issue was airport drivers working both

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weekend nights and that they needed to be advised of the operating regulations for airport taxis within the city zones.

**The Consultation Group resolved:**

- (i) to note that a report was awaited with data from the last 12 months which would feed into any review in terms of the taxi demand survey; and
- (ii) to otherwise note the position meantime.

**AOCB**

11. (A) Correspondence - Accessible Vehicle Deadline

Graeme McColl advised that letters had recently been issued by the Council which made reference to the deadline for accessible vehicles being June 2017, which was incorrect as the Council had agreed to delay implementation until June 2018, and requested that steps be taken to ensure all correspondence was accurate in the future.

**The Consultation Group resolved:**

to request that such correspondence be amended to ensure accuracy in the future.

(B) Online Application System

Ruth O'Hare advised that the Council was looking to extend its online capability to enable taxi licences to be applied for and renewed via the Council website, as well as other related services. The Taxi Consultation Group broadly welcomed this potential development.

**The Consultation Group resolved:**

to request that officers continue to pursue an online application system.

**DATE OF NEXT MEETING**

12. The Consultation Group noted that its next meeting was to be held on 5 October 2016 at 10.00am.

- **Councillor Scott Carle, Convener.**