

TAXI CONSULTATION GROUP
Tuesday, 28 February 2017

ABERDEEN, 28 February 2017. Minute of Meeting of the TAXI CONSULTATION GROUP. Present:- Councillor Reynolds, Chairperson; and Councillors Boulton and MacGregor; and Gordon Anderson (Independent Drivers), Peter Campbell (as substitute for Tommy Campbell) (Unite the Union), Stewart Duncan (Airport Taxis), Graeme McColl (Aberdeen Taxi Group), Bill Price (Railway Taxi Drivers), Mary Rasmussen (Disability Equity Partnership) and Sergeant Gillian Flett (Police Scotland).

In attendance:- James Hashmi (Finance), Karen Gatherum, David McKane, and Sandy Munro (Licensing Team, Legal Services), Sheila Barclay and William Whyte (Fleet Services), Kate Lines and Allison Swanson (Democratic Services).

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.

CHAIRPERSON

1. In the absence of Councillor Boulton, Chairperson, Councillor Reynolds assumed the Chair.

WELCOME AND INTRODUCTIONS

2. The Chair welcomed Mary Rasmussen, representative from the Disability Equity Partnership to her first meeting of the Group and invited those present to introduce themselves.

MINUTE OF MEETING OF 5 OCTOBER 2016

3. The Consultation Group had before it the minute of its previous meeting of 5 October 2016.

The Taxi Consultation Group resolved:

to approve the minute.

MEMBERSHIP OF THE TAXI CONSULTATION GROUP - REQUEST TO JOIN BY ABERDEEN TAXIS

4. The Consultation Group had before it a tabled document which contained a request from Mr Chris Douglas, Aberdeen Taxis Ltd to join the Consultation Group to enable them to represent their taxi and private hire car drivers.

Within the request, Mr Douglas had advised that they currently had 85 drivers working in the city and that they would welcome an input into consultation with regards to taxis

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and private hire matters going forward. He felt that their experience and presence in the city would be of value to the Consultation Group.

Speaking in furtherance of the request, Mr Munro advised that the request was before the Consultation Group today for its comments and thereafter it would be reported, along with the Group's comments, to the next meeting of the Licensing Committee for consideration.

Mr Peter Campbell (Unite the Union), Mr Bill Price (Railway Taxi Drivers) and Mr Stewart Duncan (Airport Drivers) advised that they had consulted with their drivers regarding the request and had received a unanimous response that the request should be declined.

Mr Graeme McColl, Aberdeen Taxi Group advised that he had not been able to consult with Members of the Aberdeen Taxi Group on the proposal prior to today's meeting, however he expected that the outcome would be the same as that of the other members. He also reminded the Group that its membership had been reviewed and reduced by the Licensing Committee on 4 September 2012, following previous consultation with the Taxi Trade. Mr McColl suggested that if Aberdeen Taxis Ltd were invited to join the group the invitation to join should be opened out to all four of the private hire firms operating in the city.

The Taxi Consultation Group resolved:

to note the request and that this would be considered by the Licensing Committee at its next meeting along with the Group's views as reflected above.

ENFORCEMENT OFFICER UPDATE

5. With reference to article 9 of the minute of its meeting of 5 October 2016, the Consultation Group had before it a report by the Enforcement Officer which provided an overview of the activity of the Enforcement Officers regarding taxi enforcement operations since the previous meeting.

In addition to the taxi enforcement operations, the report provided an update on the following matters:

- Complaints received;
- Taxis using Bridge Street as a rank;
- Applications for private hire car (PHC) drivers and vehicles;
- Applicants for the renewal or grant of private hire car driver licences;
- Updated taxi testing manual and testing procedures; and
- Press release relating to wheelchair accessible vehicles (WAV) and their drivers.

Mr McKane advised that the Taxi Testing Manual had been updated to reflect feedback received at the special meeting of 28 November 2016.

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With regards to the UK Government's press release relating to WAV and their drivers, Mr McKane advised Aberdeen City would keep a register of all licensed WAV (Taxis and PHC's) and the driver of any vehicle on the register would have to comply with the legal requirements unless they had a medical exemption certificate issued by the Council. He explained that the medical exemption did not remove the requirement to transport a wheelchair passenger, only the requirement to assist getting the wheelchair / passenger in and out of the vehicle.

Members discussed the wording of the Act during which it was noted that it was open to different interpretations. Mr McKane advised that there was no requirement for private hire cars to be WAV compatible, however, where a private hire vehicle did comply with WAV requirements it would be subject to the same requirements as a WAV taxi vehicle.

Mr McColl queried the number and type of complaints received by the Enforcement Team, following which Members requested that this information be included in future reports.

The Taxi Consultation Group resolved:

- (i) to request that future Enforcement Officer update reports include statistics per quarter on the number and type of complaints received; and
- (ii) to otherwise note the report.

IMPACT OF BREXIT ON 2018 YELLOW PLATE RULING - SUBMITTED BY GRAEME MCCOLL

6. The Consultation Group heard from Mr McColl who sought clarification on the introduction of the Council's policy requiring that all taxi vehicles be accessible by 6 June 2018, following the result of the EU Referendum. Mr Munro, Solicitor advised that whilst the accessible vehicle policy contained within the Equality Act 2010 had been introduced under European legislation, its adoption by the UK now took precedence and any change to the requirement to implement the policy would require the Act to be formally repealed by the UK Parliament. Mr Munro advised that there was an expectation that the policy would be implemented in full and that all taxis would need to be accessible.

Members discussed this matter extensively, during which the advantages and disadvantages of the policy to the trade and individuals with a disability were emphasised. In particular, Ms Rasmussen advised that in her opinion current accessible vehicles were not suitable for the visually impaired who used a guide dog and the retention of a mixed fleet was preferable to meet mixed access requirements.

The Taxi Consultation Group resolved:

to request the Licensing Team Leader to submit a report to the next meeting (1) clarifying the legislative position with regards to implementing the provisions of part 12 of the Equality Act 2010 and whether the decision to leave the European Union

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would have any implications on the implementation date of the Council's accessible vehicle policy; and (2) detailing what other Local Authorities were doing to comply with legislative requirements of part 12 of the Equality Act 2010.

AIRPORT TAXIS AND WEEKEND WORKING - SUBMITTED BY BILL PRICE

7. The Consultation Group heard from Mr Bill Price, Railway Taxi Drivers who explained that the current economic downturn within the city had led to a decline in demand for taxis in the city centre at all times which was impacting on the income for city zoned taxi drivers and in light of this he sought a discussion on whether current condition to enable airport zoned taxis to continue to operate in the city zone between midnight and 5am on Saturday nights / Sunday mornings should be suspended or revoked.

He explained he had received complaints that Airport zoned taxi drivers were operating within the city when there was no requirement in terms of demand at peak periods and provided an overview of the implications this was having for both taxi drivers and the public. Mr Price also advised that unlike the green light system at the airport there was no mechanism to stop airport taxis operating in the city centre when there was no demand at peak periods. Mr Price confirmed that he had received requests from drivers that the weekend operation be withdrawn until the economic climate improved.

The Group discussed the proposal extensively, during which Mr Duncan advised that personally he did not think it best served the airport to have airport taxis operating in the city centre when they could be operating at the airport, however he recognised that the trade as a whole had to consider how best to meet the demand of customers across the city. Mr Peter Campbell advised that there was no unmet demand at present and highlighted that should the city centre have the same green light system as the airport then the green light would never be on at present and raised concern at the disparity in the two systems. He explained that Unite the Union supported the investigation of the suspension of the current condition enabling airport taxi drivers to operate in the city centre at peak times. Mr McColl agreed that there were issues with the condition at present, but advised that suspension of the aforementioned condition needed to be considered as part of the overall taxi service provided in order to avoid undue impact in other areas of the service.

Mr Munro advised that suspension of the condition would require to be considered by the Licensing Committee and it would require a full investigation in to taxi demand and supply before a decision could be taken. Mr McColl suggested that it might be appropriate to incorporate this in to the Taxi Demand Survey which was due to be held within the next eighteen months to minimise costs.

Mr McKane advised that Taxi Marshalls were monitoring numbers of customers, taxis and waiting times and that information could be included in future enforcement reports. Mr McKane advised that he had figures for the past year.

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The Taxi Consultation Group resolved:

- (i) **to recommend that the Licensing Committee instruct a report from the Head of Legal and Democratic services on the viability, and potential implications of, implementing a suspension of the current condition enabling airport zoned taxis to operate in the city zone between midnight and 5am on Saturday nights/Sunday mornings in light of the current economic downturn;**
- (ii) to instruct the Enforcement Officer to include current and historical data on the number of cars and customers using tax ranks including waiting times in future enforcement reports; and
- (iii) to note that members could contact Mr Duncan directly should they wish to access data on the number of airport taxis operating in the city centre at the weekend.

KNOWLEDGE TEST - RESPONSES TO SURVEY

8. With reference to article 6 of the minute of its meeting of 5 October 2016, the Consultation Group heard from Mr Campbell who sought an update on the number of responses to the current survey on taxi driver testing.

In response, Mr Munro advised that the survey closed tomorrow (29 February 2017), and that as of 24 February 2017, 311 responses had been received.

Members of the Group welcomed the positive response rate and agreed that level of response would provide a fair reflection of the views of the overall taxi trade.

The Taxi Consultation Group resolved:

to note the update.

TAXI TRADE ACCOUNTS - UPDATE - SUBMITTED BY UNITE THE UNION

9. With reference to article 11(D) of the minute of its meeting of 5 October 2016, the Consultation Group (1) had before it the taxi licences accounts as prepared by the Head of Finance; and (2) heard from Mr Campbell who requested an update on the current financial position with the taxi trade account.

In response, Mr Hashmi, Reporting and Monitoring Manager, spoke to the taxi accounts and advised that it provided a forecast up to 31 January 2017. Members discussed the account extensively, during which they raised a number of queries regarding each of the variances in the budget and forecast budget for 2016/17 and expressed concern at the forecasted deficit.

In response to queries regarding variances from previous years and the forecast deficit, Mr Hashmi advised that different ways of collecting data were now in use which had

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resulted in more accurate figures being obtained and provided responses to the specific variances where possible.

With reference to the forecast reduction in Licensing Team staffing costs, Ms Gatherum advised that this was due to a vacant position within the Legal Team. Mr Hashmi also explained that property costs were based on desk usage and therefore a change in staffing structure would impact on that aspect of the budget. Mr Hashmi further advised that costs for work contracted out included the fees for the taxi demand survey and also a major refurbishment of the Kittybrewster workshop which had become unfit for use and had included moving the test centre in to the main workshop area. With regards to the refurbishment of the workshop, all representatives of the trade felt that the trade should be consulted on such proposed expenditure in advance of being agreed.

Members were concerned at the forecasted deficit and the potential implications this would have on taxi licence fees and therefore emphasised the importance of being presented with an explanation for each of the variances and how the initial figures were collated.

The Taxi Consultation Group resolved:

- (i) to instruct the Head of Finance to submit a report to the next meeting of the Consultation Group with an explanation for each of the variances between the actual and budgeted figures within the taxi licensing trade account for 2016/17, and that this report also include detail on the basis of calculations of these figures; and
- (ii) to otherwise note the accounts.

PRIVATE HIRE DRIVER LICENCES RENEWED PRIOR TO THE LICENSING COMMITTEE OF 11 DECEMBER 2016 WITHOUT HAVING PASSED THE KNOWLEDGE TEST - SUBMITTED BY UNITE THE UNION

10. The Taxi Consultation Group (1) had before it the minute extract from the meeting of the Licensing Urgent Business Sub Committee of 22 December 2016, at which it had been agreed to amend the implementation date for the application of the knowledge test for private hire car drivers to any new application lodged on or after 2 January 2017, and to any renewal applications falling due on or after 2 January 2017, and received after 1 January 2017 where the applicant had not already passed the knowledge test; and (2) heard from Mr Campbell who sought an update on the number of private hire driver licences which had been renewed prior to 2 January 2017.

In response, Mr Munro advised that following the Sub Committee's decision to re-introduce the street knowledge test a number of renewal applications had been received significantly before their renewal date. He advised that in terms of existing legislation renewal applications had to be determined within six months of receipt, however the legislation did not state when renewal applications could be accepted by the authority and therefore this matter was to be investigated by the Licensing team and applications of this nature would be reported to the next meeting of the Licensing

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Committee for consideration of whether they should be accepted at that time. Mr Munro confirmed that some private hire driver licences would be held for a longer period without a street knowledge test being passed due to when their licences had been granted or renewed.

With regards to the issuing of private hire driver licences and requirement to undertake the street knowledge test, Mr Munro advised that approximately 240 drivers would need to sit the street knowledge test during 2017. Whilst, approximately 16 licences had been granted before the re-introduction of the knowledge test for a three year period and therefore these drivers would not be require to sit the test until the end of that period when renewing their licence. Finally, roughly 16 renewal licence applications which had been submitted significantly in advance of their renewal timescale would be considered by the Licensing Committee.

The Consultation Group was advised that at present there were 974 taxis operating within the City and Airport zones and there was no waiting list for new drivers or delay in processing applications received.

The Taxi Consultation Group resolved:
to note the update.

UPDATE ON TAXI FARE REVIEW FORMULA - SUBMITTED BY UNITE THE UNION

11. With reference to (1) article 3 of the minute of its meeting of 5 October 2016; and (2) article 9 of the minute of meeting of the Licensing Committee of 25 October 2106, the Consultation Group heard from Mr Campbell who sought an update on the review of the existing taxi fare formula.

The Chair advised that the Licensing Committee at its meeting on 25 October 2016, to instruct the Licensing Team Leader to undertake a review of the existing taxi fare formula, including surcharges, following the completion of the current taxi fare review.

Thereafter, Ms Gatherum, advised that the taxi fare review had been completed in January 2017 and a report considering a review of the existing taxi fare formula taxi fare review would be submitted to the Licensing Committee for consideration. Ms Gatherum advised that the report would be recommending that should a review of the taxi fare formula be agreed this would be required to be undertaken externally and therefore a budget would be required.

Mr McColl suggested given the potential budgetary pressures on the taxi licensing account that consideration be given to undertaking the taxi fare formula in house rather than being contracted out. He explained that current formulae could continue to be used, however that the data be updated to reflect the current position. It was noted that the introduction of a new formula, more in line with the current fleet of vehicles and cost of operating in Aberdeen might result in a rise in fares for the first time in ten years.

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The Taxi Consultation Group resolved:

- (i) to note the decision made by the Licensing Committee at the meeting of 25 October 2016 (article 5 refers) to request the Licensing Team Leader, as part of the current taxi fare review, to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner and to instruct the Licensing Team Leader to undertake a review of the existing taxi fare formula, including surcharges, following the completion of the current taxi fare review; and
- (ii) to otherwise note the update.

UNOFFICIAL TAXI RANK ON CROWN STREET AND JUST OFF BRIDGE STREET - SUBMITTED BY UNITE THE UNION

12. The Consultation Group heard from Mr Campbell who advised that he had received complaints from drivers that cars were waiting on double yellow lines on Crown Street and Bridge Street and it was difficult to determine if they were operating as hackney cabs forming an unofficial rank or were pre-booked cars.

In response, Mr McKane advised that there was no means to restrict taxi parking outside a taxi booking office other than by way of standard parking restrictions that may be in place at a particular place. He advised that the City Wardens were able to enforce any double yellow line restrictions and that he had written to the booking office concerned about parking on the double yellow lines.

Sergeant Gillian Flett, Police Scotland confirmed that officers were asked to check cars stopped at the layby outside the Station Hotel and that she would raise the matter of parking on Crown Street to officers. Sergeant Flett advised that officers checked that any Aberdeenshire licensed vehicles were pre-booked and not forming an unofficial rank and that Aberdeen City licensed drivers who repeatedly tried to stop outside the Station Hotel were reported to Mr McKane. Sergeant Flett further advised that no vehicle should be stopping in the layby outside the hotel and that vehicles should access the hotel's car park at the rear of the building.

Mr McKane advised that he would continue to pursue the parking on Crown Street and if necessary the matter could be brought to the Licensing Committee.

The Taxi Consultation Group resolved:

to note that the Enforcement Officer reported any enforcement matters requiring action to the Licensing Committee for determination; and to request that should the Enforcement Officer be required to submit such a report regarding unofficial taxi ranks to the Licensing Committee that the City Warden Manager be in attendance at the Licensing Committee meeting to answer any questions on enforcement action which had been taken.

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'HACKNEY' TEST AND NEED FOR DEDICATED MECHANIC - SUBMITTED BY UNITE THE UNION

13. The Consultation Group heard from Mr Campbell who suggested that private hire cars and taxis should undertake the same vehicle testing process and also raised concerns that the cost of the taxi test had increased since the general fleet had taken on the testing compared to when the taxi trade had a dedicated mechanic.

In response, Mr Munro advised that the consultation on the testing process ended tomorrow (29 February 2017) and the outcome would be reported to a future meeting. Thereafter, Mr William Whyte, Fleet Manager, advised that the fees reflected the time taken to test vehicles. With regards the request for a dedicated pool of mechanics he explained that he would approach staff to discuss the formation a pool of three inspectors to enable a more consistent approach to testing, however this would be dependent on the willingness of the mechanics and also he had to ensure appropriate cover was in place for holiday and sickness absence. He further advised that there were significantly fewer complaints from the taxi trade following the updates to the taxi testing manual.

Mr Whyte advised that with regards to testing accessible vehicles, ramps and other means of access were pulled out and tested in accordance with the vehicle manuals. In terms of the requirement for a contrasting band on the edge of steps, he explained that yellow or black and yellow tape was accepted and that the width of the tape would not be measured, however any frayed or missing tape would result in a fail.

Finally, Mr Whyte confirmed that letters inviting drivers to present their cars for their six monthly inspections were no longer being issued, instead drivers were advised of their next test date at the time their vehicle was in for testing. A letter had been sent out to all drivers advising of this change to procedure.

The Taxi Consultation Group resolved:

- (i) to note that the Fleet Services Manager would investigate the possibility of the formation of a pool of three dedicated taxi testing mechanics;
- (ii) to note the new taxi testing manual was now in force; and
- (iii) to otherwise note the update.

DATE OF NEXT MEETING

14. The Taxi Consultation Group noted that the next meeting would be held on 27 June at 10.00am in the Town House.

- Councillor John Reynolds, Chairperson.