

ABERDEEN CITY COUNCIL

COMMITTEE	LICENSING COMMITTEE
DATE	7 NOVEMBER 2017
REPORT TITLE	REPORT TO VARY LOCAL CONDITIONS FOR BOOKING OFFICE LICENCES
REPORT NUMBER	CG/17/119
CG LEAD OFFICER	FRASER BELL
REPORT AUTHOR	LYNN MAY

1. PURPOSE OF REPORT:-

- 1.1 To request that the Licensing Committee consider the views of the holders of Booking Office licences and the Chief Constable , who have been invited to attend the 7th November Licensing Committee meeting and be heard, on the variation of the standard local conditions in relation to Booking Office Licences.

2. RECOMMENDATION(S)

- 2.1 That the Committee:-

- (a) notes that all holders of Booking Office Licences and the Chief Constable, Police Scotland, have, in accordance with Paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982, been notified of the proposed variation of conditions, as agreed by the Committee at their meeting on 12 September 2017 and noted below, and have been invited to attend and be heard at this meeting of the Committee:-

The proposed variation of the local condition 3 from “the licence holder shall keep written or electronic records of the name address, licence number of every driver operating from the relevant premises” to read;

“The Licence Holder, in order to ensure that relevant vehicles are only driven by a licensed taxi or private hire drivers, shall keep, and undertake an ongoing review or audit of, written or electronic records of the name, address, licence number and expiry date of every driver operating from the relevant premises.”

The proposed variation of the local condition 4 from “the Licence Holder shall ensure that only relevant vehicles licences by the Licensing Authority operate from the relevant premises” to read;

“The Licence Holder, in order to ensure that only relevant vehicles, currently licensed by this local authority, operate from the relevant premises, shall keep, and undertake an ongoing review or audit of, written or electronic records of the licence holder, licence number, registration number and expiry date of any taxi and private hire car operating from the relevant premises”; and

- (b) considers the views of the holders of Booking Office licences and the Chief Constable, Police Scotland on the proposed variation of the local conditions above and (Appendix 1); and
- (c) thereafter approves the proposed amended draft schedule of conditions (Appendix 1); and
- (d) instructs the Head of Legal and Democratic Services to give written notice of the Committees decision to the holders of Booking Office Licences and The Chief Constable, Police Scotland on the variation of the local conditions in accordance with paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. BACKGROUND/MAIN ISSUES

- 3.1 Officers recently received two separate complaints regarding two taxi drivers and their behaviour, when checks were conducted both of their licences had expired. On investigation, Enforcement officers found both operators were working through the same Booking Office. When Officers contacted the licensed Booking Office it transpired that there were no checks in place other than when the licence was granted.
- 3.2 All Booking Offices licensed by this Authority were then contacted and asked to submit lists of vehicles and drivers that they were using to fulfil bookings. On checking these lists both Enforcement Officers and Police Scotland worked together and found 14 operators and 7 drivers operating through Booking Offices who had expired licences. A meeting was then called with Aberdeen City Council, Police Scotland and Booking Office licence holders to discuss a way forward and to answer any questions. All those that were found to be operating without a licence were charged by Police Scotland.
- 3.3 Aberdeen City Council records showed that the licenses had lapsed but no follow up was in place to check if the licenses were still being used. This was in addition to no real time checks by the licensed booking offices. Varying the local conditions will ensure that Booking Office Licence Holders will be obliged to carry out an ongoing review of all drivers and taxi and private hire cars and their licences and update their records frequently.

- 3.4 Therefore in order amend local conditions 3 and 4, and therefore vary the terms and standard schedule of conditions for holders of Booking Office licences (Appendix 1), the Licensing Committee would have to notify licence holders and the Chief Constable of this proposed variation and invite them to the next appropriate meeting of the Committee. In terms of paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act a licensing authority may at any time vary the terms of a licence, e.g. the conditions, on any grounds they think fit. The authority have to notify the licence holder and the Chief Constable of the proposed variation to be considered, giving them not less than 7 days notice; and give each of the persons notified an opportunity to be heard by the authority, at a specified meeting of the Licensing Committee to which they will be invited. Consultees may submit their responses in writing prior to the Committee meeting and if available these will be included with the report, or if too late will be presented to the Committee at their meeting. However the Act specifies that consultees should be invited to attend a specified meeting of the Committee and be given an opportunity there to be heard and express their views on the proposed variation. Therefore consultees views/responses may not be known until the Committee meeting commences.
- 3.6 Licence holders would have the right to appeal any decision to vary their licence conditions within 28 days, from the date of the decision. Therefore any amended schedule of conditions would not come into effect until 28 days from the date of that decision, or if an appeal is lodged, it would only come into effect if the appeal was abandoned or determined in favour of the licensing authority.
- 3.7 The Licensing Committee at its meeting on 12 September 2017 agreed to consult on the proposed variation of the licence conditions as outlined above (and Appendix 1) and in accordance with the procedure in paragraph 10 of schedule 1 of the Civic Government (Scotland) Act 1982 invite the relevant parties to attend and be heard at the Committees meeting on 7 November 2017.
- 3.8 A copy of the amended draft schedule of conditions, which has been issued for consultation, is attached to the report (Appendix 1).

4. FINANCIAL IMPLICATIONS

- 4.1 The approval of the recommendations require :-
- all Licence holders and the Chief Constable, Police Scotland to be written too notifying them of the decision of the Licensing Committee
 - copies of the new schedule of conditions to be produced and issued to all Booking Office licence holders, approximately 11.

There will therefore be a financial cost to the Licensing Team, Legal and Democratic Services in producing and issuing the above documentation. This expenditure will be contained within existing budgets.

5. LEGAL IMPLICATIONS

- 5.1 The recommendations will ensure that the legislation is complied with and that all taxis and private hire cars and their drivers operating from licensed Booking Offices are appropriately licensed.

6. MANAGEMENT OF RISK

- **Financial**

- 6.1 There are no direct financial implications arising from the recommendations of this report.

- **Employee**

- 6.2 There is no risk to employees arising from the recommendations of this report.

- **Customer/Citizen**

- 6.3 There is no risk to customers/citizens arising from the recommendations of this report.

- **Environmental**

- 6.4 There is no risk to the environment arising from the recommendations of this report.

- **Technological**

- 6.5 There is no risk to technology arising from the recommendations of this report.

- **Legal**

- 6.6 Implications as per paragraph 5.1 of this report.

- **Reputational**

- 6.7 Varying the conditions attached to the Booking Office Licence will ensure that the taxi and private hire service in Aberdeen is licensed properly, therefore enhancing Aberdeen's reputation as providing a professional and law abiding service.

7. IMPACT SECTION

Economy

- 7.1 There will be no impact on the economy arising from the recommendations.

People

- 7.2 The proposals to vary and amend the schedule of conditions applicable to Booking Office licences have a neutral impact on groups with protected characteristics and an impact assessment is therefore not required.
- 7.3 Therefore in order to amend and vary the terms and standard schedule of conditions for holders of booking office licences, the Licensing Committee would have to notify licence holders and the Chief Constable of this proposed variation and invite them to the next appropriate meeting of the Committee in order to hear any representations or consider any written responses. (Appendix 1)

Place

- 7.4 There will be no impact on the place arising from the recommendations.

Technology

- 7.5 There will be no impact on technology arising from the recommendations

8. BACKGROUND PAPERS

- 8.1 None

9. APPENDICES (if applicable)

- 9.1 Appendix 1 - The Amended Schedule of Conditions for Booking Office Licences

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