

# **CONSULTATION PAPER ON LICENSING OF TAXI/PRIVATE HIRE CAR BOOKING OFFICES**

## **SUMMARY OF RESPONSES TO CONSULTATION PAPER**

### **Introduction**

1. The Scottish Executive issued the above consultation paper on 24 June 2005. The paper invited the views of consultees on the merits of introducing regulations under section 44 of the Civic Government (Scotland) Act 1982 to allow local authorities to license booking offices and the nature and scope of the provisions that could be included in any regulations.

2. The consultation paper was issued to all Scottish Councils as licensing authority; representatives of the taxi and private hire trades; disability and equality groups; Scottish police forces and a number of other stakeholders. The consultation paper including the original list of consultees can be viewed on the Scottish Executive Publications Web Site at:-

<http://www.scotland.gov.uk/Publications/2005/06/28120559/06035>

### **Details of responses to consultation paper**

3. The Executive received a total of 43 responses to this consultation. Responses were received from licensing authorities (19); organisations and individuals representative of the taxi and private hire car trade (16), and organisations representing the police, disability groups and consumer interests. The table appended at Annex A contains a full list of those organisations and individuals who responded to the consultation paper and are content for their response to be made public.

4. A summary of the responses received to the questions contained in the consultation paper is set out in Annex B.

5. Copies of the individual consultation responses have been lodged in the Scottish Executive Library where they can be viewed by contacting 0131 244 4565. Responses can be copied and sent to you, but a charge may be made for this service.

6. The Executive is grateful to all those who submitted feedback and comment whether as individuals or representing stakeholder organisations.

7. The Executive will give careful consideration to the comments received in response to this consultation in arriving at a decision as to the merits of licensing booking offices and the scope of any regulations and will announce its decision in due course.

ENTERPRISE TRANSPORT AND LIFELONG LEARNING DEPARTMENT

DECEMBER 2005

**LIST OF CONSULTEE RESPONDENTS**

**ANNEX A**

Aberdeen City Council  
Aberdeenshire Council  
Dumfries and Galloway Council  
Dundee City Council  
East Ayrshire Council  
East Dunbartonshire Council  
East Renfrewshire Council  
Fife Council  
Glasgow City Council  
Inverclyde Council  
Midlothian Council  
North Lanarkshire Council  
Orkney Islands Council  
Perth and Kinross Council  
Renfrewshire Council  
South Ayrshire Council  
The Highland Council  
West Dunbartonshire Council

Dundee Taxi Owners Association  
Ellis Taxis  
Ian Elder  
Patrick Sheils  
Roger Eason  
Scottish Taxi Federation  
South Ayrshire Private Hire Association

Association of Chief Police Officers Scotland  
Dumfries and Galloway Constabulary  
Federation of Small Businesses  
Guide Dogs for the Blind Association  
Mobility and Access Committee for Scotland  
Scottish Consumer Council  
Scottish Police Federation  
The Law Society of Scotland (Licensing Law Sub-Committee)

**Q1 Do you agree that it is in the public interest for local authorities to be allowed to license taxi and private hire car booking offices? If not, please provide reasons.**

Of the 43 responses to this question 29 (67%) agree that it is in the public interest to license booking offices. Of the 19 responses received from licensing authorities, 17 fully supported introduction of regulations while 2 expressed some reservations as to the need for licensing.

**Q2 Should any regulations (a) apply to all booking offices; (b) specify exemptions; or (c) leave exemptions to individual licensing authorities to determine?**

The large majority of respondents (69%) favoured some form of exemption from licensing in certain circumstances. Of those respondents supporting exemptions 68% felt that exemptions should be specified in any regulations. The desirability of a uniform approach to licensing across authority areas was the most common factor referred to in support of this view.

**Q3 If you support (b) what are your views on:-**

- setting numerical thresholds; or**
- exempting places of residence; or**
- other method (please specify)**

The majority of respondents (72%) favoured some degree of numerical exemption, of these (38%) favoured an exemption for single vehicle businesses. The remainder supported the setting of a numerical threshold of between 2 to 5 vehicles.

With regard to a specific exemption for places of residence this found only limited support with the majority of those responding to this question proposing that if exemption for residences is to be granted a low threshold of vehicles should be applied.

**Q4 What are your views as to the merits of a licence restricting the premises from where bookings can be accepted?**

The majority of respondents (65%) do not support placing a restriction on the premises from which bookings can be taken. Of those in favour of some restriction 78% favour premises being named as licence specific although none express a view with regard to the acceptability of calls being diverted from booking office to home or mobile.

**Q5 Should any proposed licensing requirement be extended to incorporate employees?**

### **What justification is there for introducing/not introducing such provisions?**

The great majority of respondents (79%) were opposed to the licensing of booking office employees. The primary reason offered in support of this view was that booking office managers should be held accountable for the actions of their employees. Other reasons given were that licensing of all employees was overly bureaucratic, presented difficulties in terms of enforcement for police and licensing authorities and would be in contrast to other licensed activities which do not provide for the licensing of employees.

Of those respondents in favour of licensing employees (21%) most felt that licensing was justified as employees would have access to sensitive information about vulnerable persons, vacant homes and premises. Other reasons offered were that licensing of employees would be in the best interests of preservation of order and public safety; and would allow for employees to undertake appropriate disability and equality training.

#### **Q6 Do you agree that the introduction of any licensing requirement for booking offices should be left to the discretion of individual licensing authorities? If not, please state why you consider that such licensing should be mandatory throughout Scotland.**

56% of respondents did not agree that introduction of a licensing requirement should be discretionary. Respondents in favour of introduction of mandatory licensing referred generally to the need for a consistent approach to licensing of booking offices and the possibility of booking offices relocating to unlicensed areas to avoid licensing control.

#### **Q7 Do you agree that mandatory conditions along the lines of those outlined above should be included in any regulations introduced? If you consider that mandatory conditions are unnecessary please give reasons.**

79% of respondents agree that mandatory conditions along lines proposed in the consultation paper should be included in any regulations.

Of those opposed (21%) to mandatory conditions reasons referred to:-

- concern that conditions proposed tended to be overly restrictive;
- should be left to the discretion of licensing authorities;
- enforcement would require significant local authority resources and could be easily evaded;
- better achieved out with licensing through consensual agreement between licensing authorities;
- some concern expressed about freedom of information and human rights issues.

#### **Q8 If you agree that there should be certain mandatory conditions are there any other conditions that you would wish to see made mandatory?**

A number of respondents suggested that the following additional mandatory conditions could be included in regulations: \_

- licence holder to take reasonable steps to ensure that vehicles are insured and that booking offices comply with health and safety regulations and carry appropriate employers liability insurance;
- log of bookings to include name of person accepting booking, details of passengers, starting point and destination, and fare paid;
- conditions to seek to address instances of nuisance/disturbance by vehicles/radios at night.

**Q9 Do you agree that any licensing scheme for booking offices should continue to allow such businesses to use vehicles/drivers from any licensing authority?**

The majority of respondents (80%) agreed that a licensing scheme should allow the use of vehicles/drivers from any licensing authority.

**Q10 If you disagree please give reasons, including whether you consider there would still be merit in introducing licensing provisions without the restriction outlined above being placed on booking offices.**

20% of respondents were opposed to the use of vehicles and drivers from other licensing areas. The following comments were submitted in support of this view:-

- recognised that for certain types of hire vehicles will operate across council boundaries; reservations, however, about booking offices being able to work “all areas”;
- acknowledges Executive’s comments about restriction of trade but considers that this does not sit comfortably with aim of preventing criminality;
- offence under section 21(1) of the 1982 Act for vehicles to cruise or be stationed to await booking in an area other than that in which they are licensed;

No view was offered by respondents as to the merits of introducing regulations which did not provide for this restriction.

**Q11 Views are sought on whether there is justification for separate provisions to be introduced for licensing authorities to recover the costs relating to the licensing of booking offices, or, whether these should be incorporated within the general pool.**

The majority of respondents (65%) support introduction of separate provisions as with taxis and private hire cars and their drivers. 35% of respondents propose that costs should be included in the general pool for other activities.

**Q12 Consultees are invited to give their views on the implications of the introduction of regulations in particular identifying any potential benefits and also cost implications having regard in particular to costs for administering the scheme, compliance and enforcement of regulations.**

Consultees offered a range of views on potential benefits of the introduction of regulations and the cost implications for administration, compliance and enforcement. A summary of the views of respondents is set out below.

Benefits of regulation:-

- provide increased powers of inspection and enforcement by enforcement officers and police and help to address concerns over allegations of criminality, or breach of licensing control;
- serve to improve standards and reduce problems and allow complaints of public disorder and nuisance to be addressed more effectively to the benefit of public confidence;
- require operators to be subject to “fit and proper” person scrutiny;
- provide for keeping of appropriate records of bookings taken which could assist police in investigation of criminal activity;
- would bring licensed premises within the jurisdiction of environmental protection services and health and safety at work legislation.

Disbenefits of regulation

- unnecessary further burden on small businesses in terms of administration and expense;
- will impose additional costs on businesses and licensing authorities which will ultimately be reflected in increased fares to the detriment of the travelling public;
- may impact on potential new applicants to the trade who may be deterred from entering the trade to the detriment of competition in the industry;
- unnecessary to license as there are existing powers under various legislation to allow enforcement personnel and police to address criminal behaviour;
- no benefits to be derived from increased regulation, current enforcement by police and licensing authorities is presently inadequate as a result of resources or commitment;
- concerns over issue of privacy and civil rights in relation to record keeping.

Cost implications

Responses from 14 licensing authorities who offered comment on the financial implications of booking offices suggest that in terms of administration and manpower, costs are unlikely to be significant; the reasons are that Scottish authorities already have a licensing regime for taxis and private hire cars in place, the numbers of such businesses are relatively small and costs are included in applicants’ licence fees.

The comments from a total of 9 trade representatives, other organisations and individuals are summarised as follows:-

- the costs to small businesses of an additional tier of licensing unnecessary and disproportionate to the benefits to be achieved from regulation;
- principle of licensing booking offices should be properly assessed by regulatory impact assessment to gauge the benefits to be accrued from licensing against the disadvantage of additional regulatory burden on businesses;
- costs of licensing inevitably borne by the trade and will ultimately be passed on to the customer in the form of higher fares;
- costs difficult to quantify due to uncertainty over the nature and number of businesses which might be covered by regulation and the particular approach licensing authorities might adopt in regard to administration and enforcement.