

**TAXI AND PRIVATE HIRE CAR LICENSING
BEST PRACTICE FOR
LICENSING AUTHORITIES 2007**

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INTRODUCTION

1. The following document has been produced with the aim of providing best practice for Scottish local authorities on a range of licensing issues in relation to their powers to regulate taxis and private hire cars (PHCs) and their drivers.

2. The best practice has been produced in accord with the Scottish Government's response of 10 March 2004 to the report of the Office of Fair Trading into the regulation of taxi and private hire vehicle services in the UK. One of the recommendations of the OFT report was that central government should promote and disseminate best practice in applying quality and safety regulations to assist licensing authorities in their role of regulating taxis and private hire cars. The Scottish Government agreed with this recommendation and committed to liaise with the Department for Transport (DfT) in the production and dissemination of best practice in the interests of quality and safety.

3. In view of differences between Scottish legislation and that applicable in England and Wales it was necessary to tailor a Scottish version to reflect these differences and any variation in the Scottish Government's policy on particular licensing issues. For completeness this best practice refers to matters for which legislative responsibility is reserved to the Westminster government. Here we simply advise as to where specific best practice advice can be found.

4. In the preparation of appropriate Scottish best practice we considered views expressed through the Scottish Government's Progress Group forum, with representation from the Convention of Scottish Local Authorities (COSLA); the taxi and PHC trade; the National Association of Licensing and Enforcement Officers (NALEO); the Scottish Consumer Council (SCC) and the Mobility and Access Committee for Scotland (MACS).

THE ROLE OF TAXIS AND PRIVATE HIRE CARS

5. Taxis and PHCs play an important part in local transport. In 2003 some 650 million journeys were made by taxi and PHC in Great Britain, and households spent around £3 billion on taxi and PHC journeys; spending by businesses and foreign visitors was a substantial extra figure. Taxis and PHCs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.

6. Taxis and PHCs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras. 72-74).

THE ROLE OF LICENSING: POLICY JUSTIFICATION

7. The aim of local authority licensing of the taxi and PHC trades is to protect the public and to help ensure that the public have reasonable access to taxi and PHC services, given the part they play in local transport provision.

8. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHC services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too stringent an approach may not be in the public interest – and could, indeed, have safety implications.

9. For example, it is clearly important that somebody using a taxi or PHC to go home alone late at night should be confident that the driver does not have a serious criminal record and that the vehicle is safe. But on the other hand, if the supply of taxis or PHCs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHC to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Licensing authorities should, therefore, ensure that each of their various licensing requirements is properly justified in terms of the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of

transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but that licensing authorities should look carefully at the costs – financial or otherwise – imposed by each of their licensing policies and consider whether they are commensurate with the benefits the policy is meant to achieve.

SCOPE OF BEST PRACTICE

11. The best practice document does not seek to address the whole range of possible licensing requirements but focuses primarily on those issues that have caused difficulty in the past or that seem of particular significance.

12. Whilst seeking to promote best practice in relation to quality and safety we do not set out to offer interpretation of the legislation governing taxi and PHC licensing. This is a matter for licensing authorities and the Courts. Licensing authorities will appreciate, therefore, that it is for them to seek their own legal advice as appropriate in regard to the exercise of their licensing powers.

CONSULTATION

13. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHC trades but also groups likely to be the trades' customers. Examples are disability groups, Chambers of Commerce, organisations with a wider transport interest (eg Transport 2000 and other transport providers), womens' groups and local traders.

ACCESSIBILITY

14. Local licensing authorities will wish to consider the accessibility of the vehicles they license as taxis for people with disabilities (including – but not only – people who need to travel in a wheelchair).

15. Different accessibility considerations apply as between taxis and PHCs. Taxis can be hired on the spot - in the street or at a rank - by the customer dealing directly with a driver; but PHCs can only be pre-booked. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps makes that possible.

16. Licensing authorities will be aware that the determination of the technical specification for accessible taxis on which accessibility regulations under the Disability Discrimination Act 1995 (the DDA) would be based is a matter for the Westminster Parliament. The Department for Transport has been working on proposals to substantially improve taxi provision for people with disabilities. This work is continuing and an announcement will be made in due course. In the absence of accessibility regulations under the DDA licensing authorities have been encouraged to introduce taxi accessibility policies for their areas. The Scottish Government's letter to local licensing authorities of 6 February 2001 provided more detailed advice.

Existing duties under Disability Discrimination Act 1995 (DDA)

17. Since 3 March 2003 licensed taxi drivers in Scotland have been under a duty introduced as a condition of licence to carry guide, hearing and other prescribed assistance dogs in their taxis, without additional charge (The Taxi Drivers' Licences {Carrying of Guide Dogs and Hearing Dogs} {Scotland} Regulations 2003). Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for exemption from the duty on medical grounds. Any other driver who fails to comply with the duty is guilty of a criminal offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

18. Similar duties were introduced for PHC drivers with effect from 31 March 2004 in The Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004.

19. Since these new duties are introduced as a condition of licence the question of enforcement and the investigation of any complaints received is primarily a matter for local licensing authorities. It is therefore for authorities to decide whether breaches in regard to these duties should be pursued through the courts or alternatively by use of their powers under Schedule 1 of the 1982 Act.

Duties under the DDA, as amended by the Disability Discrimination Act 2005

20. The Disability Discrimination Act 2005 amended the Disability Discrimination Act 1995 (the DDA 1995) to enable the Government to lift the exemption in Part 3 of that Act for operators of transport vehicles. The amendment allowed for the exemption to be lifted for different services, at different times and to different extents. Regulations have been made to lift the exemption in relation to vehicles used to provide public transport services, including taxis and PHVs, as well as for vehicle hire services and breakdown services.

21. Advice on the implications of these regulations for those providing taxi and private hire car services can be found in the Department for Transport's Best Practice Guidance issued in October 2006 which can be accessed on the Department's website at www.dft.gov.uk. Further advice can also be found in the Disability Rights Commission's Code of Practice for the transport industry at www.drc-gb.org

VEHICLES

Specification of vehicle types that may be licensed

22. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHCs. Some authorities have adopted criteria as to vehicle specification that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

23. Some local licensing authorities adopt the principle of specifying as many different types of vehicle as possible. Such policy could provide greater flexibility in allowing new vehicle types to be considered.

24. Local licensing authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

Imported vehicles: type approval

25. It may be that from time to time a local authority will be asked to license as a taxi or PHC a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet an authority's criteria for licensing, but the licensing authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. Information about "type approval" and the procedures for licensing and registering imported vehicles can be found on the Department for Transport's website under "EC Whole Vehicle Type Approval" at:- www.dft.gov.uk

Vehicle Testing

26. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be seen as best practice:

- Frequency Of Tests. The legal requirement for taxis requires that they should be subject to an MOT test or its equivalent one year after first registration and annually thereafter. For private hire cars annual testing should commence after the vehicle is three years old. Notwithstanding MOT regulations, authorities generally undertake inspection of taxis and private

hire cars at first licensing and annually or more frequently thereafter. Annual testing for licensed vehicles regardless of age is considered best practice although more frequent testing may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on an ad hoc basis and more frequently than the full vehicle test.

- Criteria For Tests. Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHCs. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHCs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, requiring for example the internal passenger accommodation, upholstery and fittings to be maintained in a serviceable condition. Further advice and details of publications about MOT testing can be accessed on the Vehicle & Operator Services Agency (VOSA) website at:-

<http://www.vosa.gov.uk/vosacorp/publications.htm>

- Age Limits. The setting of an age limit beyond which a local authority will not license vehicles is somewhat arbitrary and disproportionate particularly as it is perfectly possible for a well-maintained older vehicle to be in good condition. A greater frequency of testing may, however, be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.
- Number Of Testing Stations. There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. The Vehicle

Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.

Security

27. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. Licensing authorities should encourage the taxi and PHC trades to build good links with the local police force, including participation in any crime reduction initiatives. There is extensive information on the use of CCTV, included as part of measures to reduce crime, on the Home Office web-site, <http://www.homeoffice.gov.uk> (and see for instance, <http://www.crimereduction.gov.uk/cctv/cctvminisite1.htm>)

Vehicle Identification

28. Members of the public can often confuse PHCs with taxis, failing to realise that PHCs are not available for immediate hire and must be pre-booked. It is important, therefore, that the public in particular should be able to distinguish between the two types of vehicle.

29. The display of rooftop signage on private hire cars may lead to confusion by giving the impression that these vehicles can be hailed in the street. Section 14 of the Civic Government (Scotland) Act 1982 (1982 Act) prohibits the display on, or in, a private hire car of any feature which could suggest that the vehicle is available for hire as a taxi. We suggest as best practice the inclusion of a condition of licence for private hire cars precluding the display of any type of rooftop signage on such vehicles (condition 14 of the model conditions set out in Annex B to Scottish Development Department Circular 25/1986 refers).

30. In addition to the specified local authority licence plate or disc identifying the vehicle as a private hire car some clearer identification is best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is reasonable, and in the interests of the travelling public, for a PHC operator to be able to state on the vehicle the contact details for hiring. In this regard authorities might consider introduction of a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking.

Environmental considerations

31. Local licensing authorities should consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form) and in discussion with those responsible for environmental health issues. Local authorities, may for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels or by promoting training for drivers in eco friendly/economic driving (see Training section).

Exemptions from licensing

32. Section 22 of the 1982 Act sets out certain exemptions from licensing requirements. Operators wishing to rely on the limited exemption provided in Section 22(c) will want to ensure that they fall within its scope, namely that:-

"Nothing in sections 10 to 21 (with the exception of subsection (7) of section 21) of this Act shall apply to any vehicle while it is being used for carrying passengers under a contract for its exclusive hire for a period of not less than 24 hours".

33. The “Notes on Clauses” which accompanied the 1982 Act stated, in respect of this exemption:-

“It is not the intention of the taxi and private hire car licensing system to apply to a vehicle used for carrying passengers for hire and reward under contract for its exclusive hire for periods of not less than 24 hours and subparagraph (c) specifically exempts such vehicles – on the argument that longer hires are likely to be the subject of informed individual inspection and negotiation – eg company hires – where there is not the same need to protect the casual hirer”.

Licensing of stretch limousines and other special events vehicles, airport transfers etc.

34. Special events vehicles (stretch limousines, decommissioned emergency service vehicles etc.) typically booked for party occasions are appearing on city streets in increasing numbers clearly demonstrating a public demand for the special service that they provide.

35. Concern has been expressed that some such vehicles may be operating outwith any specific licensing regime. These vehicles and their drivers may not therefore have been subject to appropriate scrutiny either under the private hire car (PHC) or public service vehicle (PSV) licensing arrangements (the latter applies primarily to vehicles adapted to carry more than 8 passengers).

36. Licensing authorities in the exercise of their licensing powers will be aware of the provisions of sections 10-23 of the Civic Government (Scotland) Act 1982 (the 1982 Act) with regard to the licensing of taxis and private hire cars. Section 23 defines “hire car” for the purposes of these provisions in the following terms:

“hire car” means a motor vehicle with a driver (other than a vehicle being a public service vehicle within the meaning of section 1(1)(a) of the Public Passenger Vehicles Act 1981) (the 1981 Act) which is, with a view to profit, available for hire by the public for personal conveyance.

37. Section 7 of the 1982 Act provides that any person who, without reasonable excuse does anything for which a licence is required under Part II of the Act (which includes sections 10-23) without having such a licence, shall be guilty of an offence.

38. In terms of section 10 of the 1982 Act, licensing authorities have discretion over the types of vehicles that they license as private hire cars. We understand that some authorities license limousines, that some do not and that few if any authorities license other special events vehicles. In some instances, therefore, it is currently not possible for an operator of a special events vehicle to secure a PHC licence. The view the licensing authority takes in relation to the licensing of special events vehicles is a separate issue from whether a licence is required to operate or drive such a vehicle.

39. In the light of the above, we would encourage licensing authorities:

- where they have not done so, to decide what approach to adopt to the licensing of special events vehicles.
- in liaison with the police, to adopt a proactive approach to the question of the operation of vehicles without a licence required under the 1982 Act.

40. In the exercise of their discretion as to the suitability of a particular vehicle for licensing as a private hire car, authorities might wish to consider whether policies for example setting age limits on vehicles (see paragraph 25) and/or excluding left hand drive are not unduly restrictive.

41. Imported stretched limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime, before they are registered. A licensing authority might wish to request sight of the SVA certificate to ensure that the vehicle was tested by VOSA before being registered and licensed (taxed) by DVLA. The SVA test verifies that the converted vehicle is built to certain safety and environmental standards (there are some vehicles that have gained registration without an SVA and these may not comply with British regulations). Further information on the Single Vehicle Approval Scheme can be accessed on the DfT website at:-

<http://www.dft.gov.uk/pgr/roads/vehicles/vssafety/importsapproval/thesinglevehicleapprovalscheme>

42. The best practice set out in this section reflects earlier advice issued in the Scottish Government's letter of 20 October 2006 with regard to the licensing of stretch limousines, other special events vehicles and airport transfers etc.

QUANTITY RESTRICTIONS OF TAXI LICENCES

43. The present legal provision on quantity restrictions for taxis is set out in section 10(3) of the 1982 Act. This provides that "the grant of a taxi licence may be refused by a licensing authority for the purpose of limiting the number of taxis in respect of which licences are granted by them if, but only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet".

44. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would be required to establish to the satisfaction of the court that it had first satisfied itself that there was no such significant unmet demand.

45. A survey carried out by the Scottish Government in 2003 showed that 16 licensing authorities restricted the number of taxi licenses throughout the council area and a further 5 partially restricted numbers in certain zones within the council area. The remaining 11 authorities set no limit on taxi licences. The Scottish Government takes the view that decisions as to the case for limiting taxi licences should remain a matter for licensing authorities in the light of local circumstances. However, licensing authorities who presently restrict numbers of taxi licences should periodically review this policy.

46. Licensing authorities in reviewing their policy with regard to quantity restrictions on taxi licences should consider whether any restriction presently in place should continue. The matter should be approached in terms of the interests of taxi users. What benefit is achieved for them by the continuation of controls; and how might they benefit if the controls were removed? Is there evidence that removal of the controls would result in a clear and unambiguous deterioration in the amount or quality of taxi service provision?..

47. Authorities may find the attached Annex A helpful. The Annex sets out a number of questions which may be helpful to licensing authorities in any review of policy in regard to the quantity control of taxi licences.

48. The Scottish Government in its response to the OFT Report agreed that, notwithstanding its view that the question of the restriction of licences should be left to the discretion of licensing authorities, there was nonetheless a need for review of the frequency and component parts of the surveys used by local authorities to measure unmet demand. In regard to frequency, licensing authorities should carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court.

49. In the conduct of a survey of unmet demand the Scottish Government would commend advice given to licensing authorities by the DfT in June 2004 which set out a range of considerations. Some key points which authorities should consider are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...
- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand**, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant'. The Scottish Government does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be argued that unmet demand at these times should not be ignored. Local authorities should consider when the peaks occur and who is being disadvantaged

through restrictions on provision of taxi services.

- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include disability groups, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in to question the impartiality and objectivity of the survey process.

TAXI FARES

50. Local licensing authorities have a duty under section 17 of the 1982 Act to fix the scales for fares and all other charges in connection with the hire of taxis in their area and have a duty to review the resultant fare scales at intervals not exceeding 18 months.

51. In the conduct of a tariff review, authorities are advised as best practice to pay particular regard to advice contained in paragraphs 2.34 – 2.37 of Scottish Development Department Circular 25/1986. The Circular advises on the frequency of reviews, need for consultation, relevant considerations and the right of appeal.

52. With regard to appeals to the Traffic Commissioner, authorities will wish to have regard to advice contained in paragraphs 2.38 – 2.42 of Circular 25/1986 and the procedural rules set out in The Licensing and Regulation of Taxis (Appeals in Respect of Taxi Fares) (Scotland) Order 1985.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice, however, to encourage such negotiations at rank, or for on-street hailings as there would be risks of confusion and security problems. But licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for older people).

54. There may be a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare.

DRIVERS

Duration Of Licences

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Criminal Record Checks

57. Applications for grant or renewal of taxi and private hire vehicle and driver licences are required in terms of section 4 and paragraph 2(1) of schedule 1 of the 1982 Act to be copied to the Chief Constable. Any objection or representation relating to an application

for the grant or renewal of a licence will be refused if the applicant is disqualified or is not a fit and proper person to be a holder of the licence.

58. The weight to be attached to convictions in the consideration as to the suitability of an applicant is a matter for the determination of the relevant licensing authority. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they will doubtless take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will ideally want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence. Licensing authorities might consider formulating and making public a tariff of offences setting out their views as to the period which they would normally expect to have elapsed before an applicant would be considered for grant of a licence.

59. The above relates to the normal process in regard to taxi and PHC licensing in terms of Schedule 1 of the 1982 Act. A number of Scottish authorities employ individual drivers (taxi and PHC) for example under contract to an Education or Social Work department to transport children, young people and adults at risk. For such contracts an authority may require named drivers to submit themselves to Enhanced Disclosure through Disclosure Scotland. This level of disclosure includes details of spent convictions and any non-conviction information which a Chief Constable may choose to disclose, which is considered relevant to the nature of the position sought. The Scottish Government considers the use of Enhanced Disclosure as best practice where drivers are directly employed in the manner described above.

60. Local licensing authorities will also want to have a policy on applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries. More generally, the Home Office's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain

general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY. Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

Age Limits

61. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

Driving Proficiency

62. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Training

63. A number of Scottish licensing authorities have, or are developing, minimum training requirements for drivers which require to be met at first grant of a licence or at renewal. Such training typically covers matters such as customer care, disability awareness, managing conflict, road safety etc. The Scottish Government commends as best practice the importance of such vocational training for drivers and would encourage authorities to adopt a positive approach to vocational training.

64. GoSkills the government appointed Sector Skills Council for passenger transport is striving to raise standards in the industry and can offer authorities professional advice and support on best practice in regard to vocational training for the taxi and private hire trades through its regional network of Business Advisers. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation; road safety; eco-friendly driving; the use of maps and GPS; the handling of emergencies, and how to defuse difficult situations and manage conflict.

Contact details are:

Richard Wheater
GoSkills Business Adviser

Tel: 07834 659 431

Fax: 0121-635-5521

E-mail; Richard.wheater@goskills.org

More Information on GoSkills can be found on their Website at: www.goskills.org

e-mail: info@goskills.org

Topographical Knowledge

65. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. Many licensing authorities require prospective taxi-drivers to pass a test of local topographical knowledge as a condition of first grant of a licence. Mandatory testing of topographical knowledge is best practice although the stringency of the test should reflect the complexity or otherwise of the local geography, on the principle of ensuring that barriers to entry are not unnecessarily high.

66. However, PHCs are not legally available for immediate hiring in the same way as taxis and must be pre-booked. Consequently, the driver has an opportunity to check the

details of a route before starting a journey. It may, therefore, be unnecessarily onerous to require prospective PHC drivers to pass the same 'knowledge' test as taxi drivers, though it may be thought appropriate to test candidates' ability to read a map and their knowledge of key items such as main roads and railway stations.

ENFORCEMENT

67. Well-directed enforcement activity by licensing authorities benefits not only the public but also the responsible people in the taxi and PHC trades. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Liaison between licensing authorities and the police on matters of enforcement is best practice.

68. Some local licensing authorities use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHC trades, to make the best use of staff resources. A visible enforcement presence may prove a useful deterrent against breaches of licence in particular instances of illegally plying for trade (by private hire cars), and operation of unlicensed vehicles or drivers. It is recommended as best practice that enforcement activity is at least partly directed to the late-night period, when such breaches tend most often to arise.

Return of Plates – Section 10(6)

69. The Scottish Government are aware that some authorities have experienced difficulties over compliance with the return of taxi licence plates required under terms of Section 10(6) of the 1982 Act.

70. The Task Group which undertook a review of the licensing provisions of the Act recommended in its report that in order to address their concerns over non compliance authorities should be encouraged to use their powers under Schedule 1 to insert an expiry date on licence plates at time of issue.

71. The Scottish Government supports this recommendation and would encourage licensing authorities to consider whether the inclusion of an expiry date or car registration number on licence plates at time of issue could discourage non-compliance and assist enforcement personnel in identifying any cases of inappropriate use.

FLEXIBLE TRANSPORT SERVICES

72. It is possible for taxis and PHCs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas – though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to assistance available through the Rural Community Transport Initiative and pilot Demand Responsive Transport Scheme.

73. Local licensing authorities are encouraged, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of the taxi and PHC trade.

74. The main legal provisions under which flexible services can be operated are:

- **Taxibuses (section 12, Transport Act 1985):** Owners of licensed taxis can apply to the Area Traffic Commissioner for a ‘restricted public service vehicle (PSV) operator licence’. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity.

- **Shared Taxis/private hire cars (Section 14, Transport Act 1985)**:- Powers under section 14 of the Transport Act 1985 relate to the carriage of passengers in taxis and private hire cars at separate fares. Further guidance on such arrangements is contained in paragraph 9 and Annex C of Scottish Development Department Circular 25/1986

COMPLAINTS PROCEDURES

75. It is inevitable in the provision of taxi and private hire car services that passengers will on occasion have reason to complain about the standard of service provided. Complaints from passengers are likely in the first instance to be directed at the driver or, particularly in cases where a vehicle has been pre-booked or supplied on contract, to the company/agent who accepted the booking. Where having initially made a complaint a passenger remains aggrieved they may decide to take up their complaint formally with the licensing authority.

76. Licensing authorities will doubtless have established procedures for dealing with complaints from members of the public aggrieved at the service they have received or the manner in which they were treated. A number of licensing authorities publish on their web pages details of their procedures for handling complaints from members of the public who may wish to complain about the standard of service provided by a taxi or private hire car driver. This approach is commended as good practice. Such advice should highlight information which a complainant should provide to assist an authority in dealing with their complaint eg taxi/phc registration and/or plate number, date and time of journey, name of taxi/phc company where known etc. It may also advise as to what steps the authority take to investigate complaints.

LOCAL TRANSPORT STRATEGIES

77. The Transport (Scotland) Act 2001 enables the Scottish Ministers to issue guidance to local transport authorities on the preparation of local transport strategies. The latest guidance was issued in February 2005 and proposed that authorities develop strategies covering a 3-year period.

78. Taxis and PHCs are an important link in the public transport chain, filling gaps in overall transport provision not least for those who do not have access to a car. Local authorities are asked to consider the role that taxis and PHCs play in public transport and ensure that the licensing system in place is appropriate to local needs and circumstances, including those of disabled people.

79. Scotland's Transport Future: Guidance on Local Transport Strategies, at Part 3: "Meeting the Objectives, paragraphs 3.43 – 3.46, identified a number of policy themes in regard to taxi and private hire car services which authorities could consider in the preparation of their transport strategies. This guidance can be accessed at the Scottish Government's website at <http://www.scotland.gov.uk/Publications/2005/03/20775/53775>.

Useful questions when assessing quantity controls of taxi licences

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

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