



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE**

**THURSDAY 12 JANUARY 2023
ONLINE DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor J Findlay
Councillor C McGinn (Convener)
Councillor J McMillan

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Mr A Kelley, Transport Compliance Officer
Mr A McLellan, Team Manager – Transport
Ms L Gillie, Team Manager – Democratic and Licensing

Others Present:

None

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor C Cassini
Councillor C McFarlane
Councillor T Trotter

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 8 DECEMBER 2022

The minutes were agreed as an accurate record of the meeting.

2. CHANGES TO THE TAXI AND PRIVATE HIRE CAR GUIDANCE – REPORT BY THE HEAD OF CORPORATE SUPPORT

A report was submitted by the Head of Corporate Support to amend the existing Taxi and Private Hire Car (PHC) guidance to mirror neighbouring council schemes, thereby meeting updated accessibility standards, reducing the industry carbon footprint, and encouraging a better public perception of the taxi trade in East Lothian.

Alan Kelley, Transport Compliance Officer, provided a detailed summary of the report, including the currently available list of base vehicles for replacement taxi vehicles. Only vehicles of a type or model holding a valid European Whole Vehicle Type Approval as an M1 vehicle, which were purpose built for use as a Licenced Vehicle, were Euro 6 emissions compliant, and met new accessibility standards under the Disability Discrimination Act (DDA) would be deemed suitable. The report sought that all taxi vehicles be changed for one of the approved vehicle types and comply with accessibility standards by 1 April 2025. Mr Kelley also provided the minimum criteria for private hire car (PHC) vehicles, including maximum emission levels.

Mr Kelley and Andrew McLellan, Team Manager – Transport, answered questions from Members. Mr Kelley explained the difference between a taxi and PHC, in that a taxi could be hailed and was required to be wheelchair accessible, whereas a PHC must be pre-booked and was not subject to the same accessibility requirements. Seat sizes in PHCs were required to allow three adults to sit in the back. Mr Kelley explained that there was a perception that wheelchair users were shunned by the trade; he explained the safety concerns for wheelchair users boarding and alighting from rear-loading vehicles, particularly when East Lothian taxi ranks did not have drop kerbs. The report recommendations would encourage a better public perception of the taxi trade in East Lothian. He also explained the safety and accessibility benefits of the new DDA requirements.

Councillor McMillan acknowledged that compliance with DDA requirements was of greatest importance, but also asked about the costs involved in vehicle replacement. Mr Kelly and Mr McLellan advised that around 30% of the current fleet would be non-compliant, but said that these vehicles were getting older, and the companies still operating after the pandemic were keen to continue business and turn out vehicles of a high standard. The recommendations were likely to reduce the number of substandard taxi owners who drove only as a side business.

Responding to further questions, Mr McLellan advised of ways in which the council made it attractive to operators to take on contracts serving people with additional support needs, by offering longer contracts to allow firms to recoup investment in vehicles. Operators had been well supported by the council, who paid contracts in full during the pandemic; therefore no increase in costs had been noticed by the council following the pandemic. Companies had also started to analyse the benefits of electric vehicles on various routes and fulfilling various contracts, and sought advice from officers on this subject.

Officers and Members discussed the difficulties in trying to start a taxi consortium; recent contact with operators on the subject had garnered poor response. The Convener noted that the changes were likely to affect operators who did not have regular contact with the council or hold home-to-school contracts, and questioned whether the changes may cost-prohibitive for smaller firms. Mr McLennan advised that some operators used loopholes to work for neighbouring authorities, and were not always willing to engage with contracts with East Lothian Council. However, if smaller firms came forward with financial pressures to officers, it would be possible for the Licensing Sub-Committee to consider whether an alternative timeline could be agreed to allow the company to meet their obligations. Mr Kelley advised that enforcement of the requirement that non-purpose built vehicles be used for a maximum of six years would make a significant dent in the 30% of non-compliant vehicles over the following two years in any case.

Councillor McMillan thought the paper: provided the public with an awareness as to the reasons behind the changes; would reinforce the quality of the taxi fleet; would require operators to consider and improve their service; would result in legal compliance; and signalled to the public that the Licensing Sub-Committee sought a high quality service for customers. He thought the two-year lead time was fair to the trade and sufficient for operators to make the changes.

Councillor Findlay and officers discussed the standards expected for seats in multi-person vehicles (MPVs). Officers advised that removable seats were acceptable, but it was intended that vehicles which did not allow ample leg room for adults would be excluded from the fleet going forward. Officers agreed to take further discussion relating to golf tours offline.

Responding to questions from the Convener and Councillor McMillan, Mr Kelley said that officers would be happy to accept new vehicles under various trials which met the criteria. Ian Forrest, Legal Adviser, suggested a form of words to indicate that acceptable vehicles would not be limited to the currently four listed vehicles, and to authorise officers to add vehicles which came on stream and met the listed criteria. This amendment to the report recommendations was formally proposed by Councillor McMillan and seconded by Councillor Findlay. Councillor McMillan and the Convener also noted that the Licensing Sub-Committee was keen to engage further with operators about the future of the service.

The Convener then moved to a roll call on the report recommendations, as amended, and these were unanimously supported.

Decision

The Sub-Committee agreed to:

- i. restrict the type of vehicle that could be licensed as a taxi and include features deemed essential under the Disability Discrimination Act (2005) as amended, phased in by 1 April 2025;
- ii. delegate to officers powers to add suitable vehicles to the approved list of taxis; and
- iii. restrict the type of vehicle that could be licensed as a Private Hire Car, to reduce Private Hire Car CO2 emissions significantly, phased in by 1 April 2025.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Sub-Committee agreed to exclude the public from item 3 in terms of Paragraph 2 (information relating to individual tenants) and Paragraph 6 (information relating to the business affairs of particular persons) of Schedule 7A to the Local Government (Scotland) Act 1973.

3. CONSIDERATION OF THE FITNESS AND PROPRIETY OF AN EXISTING LANDLORD – REPORT BY THE HEAD OF CORPORATE SUPPORT

The Sub-Committee agreed that an unrelated professional management/rental agent (approved by the Scottish Letting Agent Register) would be appointed by the landlord to manage their rented property by 1 February 2023. Requested documentation must also be submitted by 1 February 2023.