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<b>Report To:</b>	<b>General Purposes Board</b>	<b>Date:</b>	<b>13 April 2016</b>
<b>Report By:</b>	<b>Head of Legal and Property Services</b>	<b>Report No:</b>	<b>LP/037/16</b>
<b>Contact Officer:</b>	<b>Lindsay Carrick Legal Services</b>	<b>Contact No:</b>	<b>01475 712114</b>
<b>Subject:</b>	<b>Taxi/Private Hire Car Booking Office Licence – Proposed Changes to Local Conditions</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to seek the views of the Board on proposed changes to the Local Conditions of Inverclyde Council's Taxi/Private Hire Car Booking Office Licence.

## 2.0 SUMMARY

- 2.1 The Licensing Authority had been approached and asked to amend the obligations contained within the local conditions of the Taxi/Private Hire Car Booking Office Licence. The reason for the requested amendment relates to the requirement to keep a printed version of the records for a period of 3 years. It had been suggested that this creates an administrative burden together with unnecessary paper wastage and storage issues. It has been stated that modern technology allows for the immediate recall of any record and for that record to be printed within a matter of seconds. It has further been commented that the requirement of paper records being kept is not required by various other licensing authorities.
- 2.2 The Head of Legal & Property Services undertook a consultation with Police Scotland, ICOD Inverclyde Taxis Ltd & ABC Taxis (Inverclyde) Ltd. The consultees were invited to submit their views on the proposed changes and copies of the letters of response received from Inverclyde Taxis Ltd and ABC Taxis (Inverclyde) Ltd, both dated 18 December 2015 form Appendices 1 & 2 to this report. Police Scotland agree with the Council's proposed changes. No submissions have been lodged on behalf of ICOD. A copy of the existing licence and conditions forms Appendix 3 to this report.
- 2.3 The proposed amendment to Condition 19 would be in the following terms:

*"The records detailed in conditions 9, 10, 14 and 16 above, must be stored either electronically or in printed paper format. If records are stored electronically, there must be a printer on the premises that would allow for the immediate production in paper format of any record that must be stored for the relevant period. Accordingly any such printer must be in working order and maintained."*

The proposed amendment to Condition 20 would be in the following terms;

*"The Licence holder shall keep all records referred to within condition 19 for a period of 3 years (the relevant period. All records must be made available to the Licensing Authority, an authorised officer and/or to the Police on demand"*

## 3.0 RECOMMENDATIONS

- 3.1 The Board are asked whether or not they wish to amend the existing schedule of conditions to the proposals made by the Head of Legal & Property Services  
Lindsay Carrick  
Legal & Property Services

## **4.0 BACKGROUND**

4.1 The Civic Government (S) Act 1982 (Licensing of Booking Offices) Order 2009 came into effect on 16 November 2009. The 2009 Order provided that mandatory conditions be automatically attached to all Taxi/Private Hire Car Booking Office Licences. Local Authorities developed a list of standard local conditions which were attached to this Licence.

4.2 The Mandatory conditions are found at conditions 9 and 10 of the Booking Office Licence, and are in the following terms:

9. The licence holder must keep a record of (1) The registration number of the vehicle which was hired as a result of a booking taken at the relevant premises; and (2) The name of its driver at the time of the hire.

10. The licence holder shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a relevant vehicle results in the hire of a vehicle which is (1) A relevant vehicle; and (2) Being driven by a person who holds a taxi driver's licence or a private hire care driver's licence granted under Section 13 of the Act, and that licence is in effect.

The Local conditions are found within Conditions 14 and 16 of the Booking Office Licence, and are in the following terms;

14. The licence holder shall keep a record of the reasons why any bookings accepted were not fulfilled at the time and location specified.

16. The licence holder shall keep a record of all complaints made and how they were dealt with.

Local conditions 19 and 20 go on to inform ;

19. The record detailed in conditions 9, 10, 15 & 17 above, may be kept electronically, but the licence holder shall ensure that there is a printed version kept within the premises at all times.

20. The licence holder shall keep records for a period of 3 years, which records must be made available to the Licensing Authority, an authorised officer and/or to the Police on demand.

## **5.0 IMPLICATIONS**

### **Finance**

5.1 There are no financial implications.

### **Legal**

5.2 There are no legal implications.

### **Human Resources**

5.3 There are no Human Resources implications.

### **Equalities**

5.4 There are no equalities implications.

### **Repopulation**

5.5 There are no repopulation implications.

**6.0 CONSULTATIONS**

6.1 Consultation has been undertaken with Police Scotland, ICOD & the Taxi Trade.

**7.0 LIST OF BACKGROUND PAPERS**

None

22 DEC 2015

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Lindsay Carrick  
Senior Admin Officer  
Inverclyde Council  
Legal and Property Services  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Your Ref: LC/JD/CIV0006

18<sup>TH</sup> December 2015

Dear Sir/Madam,

**Re: Representation on the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 Section 44 and Schedule 1 – Taxi/Private Hire Car Booking Office Licence**

Further to your correspondence dated 9<sup>th</sup> December 2015, Inverclyde Taxis Limited acknowledges receipt of the proposed changes by Inverclyde Council to the current legislation. Our comments on the proposed changes are as follows:

**Proposal 1: Condition 19**

The proposal from Inverclyde Council is as follows; *"The records detailed in Conditions 9,10,14 and 16 above, must be stored electronically or in printed paper format. If records are stored electronically, there must be a printer on the premises that would allow for the immediate production in paper format of any record that must be stored for the relevant period. Accordingly any such printer must be in working order and maintained."*

Our records, as detailed in Conditions 9,10,14 and 16 are stored electronically using a recognised Taxi Industry booking and despatch system. We have the facility for these documents to be printed as and when required. Police Scotland will often attend our premises to either make checks on the Booking Office License conditions or as part of their investigation into an alleged crime. Police Scotland have and continue to have copies made available to them either electronically or in printed format. In the current technological climate all information can be transmitted electronically to relevant parties. There is no need for paper based formats to exist. As a result we would therefore propose the following alternative proposal

*"The records detailed in Conditions 9,10,14 and 16 above, must be stored electronically using a Taxi/Private Hire Booking & Despatch system. Records may be transmitted electronically to relevant parties. There must be a printer on the premises that would allow for the production in paper format of any record that must be stored for the relevant period. Accordingly any such printer must be in working order and maintained."*

The requirement of electronic storage and transmission is indicative of the technological climate which we have and also goes some way to assist Organisations with their Environmental Credentials as less paper, ink, electricity will be used.

24 hours a day - Just a phone call away!

**Proposal 2: Condition 20**

The proposal from Inverclyde Council is as follows; *"The license holder shall keep all records referred to within Condition 19 for a period of 3 years (the relevant period). All records must be made available to the Licensing Authority, an authorised officer and/or to the Police on demand."*

Can we please have the definition on an "authorised officer"? We assume this relates to an Inverclyde Council Employee such as a Licensing Officer.

Our view is that the requirement to hold records for 3 years is cumbersome. This requirement of 3 years places a burden on us, at present, to maintain 3.5 million booking records. In your current proposal for Condition 19 for these records to be printed immediately on demand, a number of questions will be raised regarding the production costs of 3.5 million records. For your information, we have been asked by Police Scotland to produce our 3 years of printed records. This request was received in October 2015. Questions regarding the production of 3.5 million records will include who is going to pay for the production of 3.5 million records? This is unreasonable to expect any organisation to print so many records. Direct costs relate to the printer, the ink, the paper, headcount to monitor the printing of 3.5 million records, and storage of 3.5 million paper records. Who is going to collect 3.5 million records and then ensure the safe and secure disposal of 3.5 million paper based records given the information which will be on these records? Electronically, we need to ensure we have sufficient electronic space for the storage of 3.5 million records. Having to have such huge storage requirements can lead to systems running slower than they need to.

As a comparison, we have reviewed other Licensing Authority Taxi Booking Office Conditions. We can confirm that other Authorities have the following time requirements for the Storage of records

Glasgow City Council	12 Months
West Dunbartonshire Council	No Time Limit Specified
North Ayrshire Council	No Time Limit Specified
Renfrewshire Council	Conditions Not Available on line

As you can see from the above, the maximum period specified is 12 months with neighbouring Licensing Authorities. In addition to this, Police Scotland when they are requesting assistance in their investigation of an alleged crime, we have never seen them ask for information which is more than 6 months old.

On this basis, we would therefore seek approval of the following proposal in relation to Condition 20;

*"The license holder shall keep all records referred to within Condition 19 for a period of 12 months (the relevant period). All records must be made available to the Licensing Authority, an authorised officer and/or to the Police on demand."*

If you require any further information on these points or wish to discuss this further please do not hesitate to contact us directly.

Yours sincerely,  
For and on behalf of Inverclyde Taxis Ltd

Martyn Hambley  
**Operations Manger**

c.c. Alex Gray





SUPPORT  
SERVICES  
22 DEC 2015

**STRICTLY PRIVATE & CONFIDENTIAL**

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Your Ref: LC/JD/CIV0006

18<sup>TH</sup> December 2015

Dear Sir/Madam,

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Further to your correspondence dated 9<sup>th</sup> December 2015, ABC Taxis (Greenock) Limited acknowledges receipt of the proposed changes by Inverclyde Council to the current legislation. Our comments on the proposed changes are as follows:

**Proposal 1: Condition 19**

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The requirement of electronic storage and transmission is indicative of the technological climate which we have and also goes some way to assist Organisations with their Environmental Credentials as less paper, ink, electricity will be used.

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If you require any further information on these points or wish to discuss this further please do not hesitate to contact us directly.

Yours sincerely,  
For and on behalf of ABC Taxis (Greenock) Ltd

Graham Campbell  
Director



**Inverclyde Council**  
**Civic Government (Scotland) Act 1982**  
**Civic Government (Scotland) Act 1982 (Licensing of Booking**  
**Offices) Order 2009**  
**Taxi/Private Hire Car Booking Office Licences**  
**Conditions**

**GENERAL**

1. The Licence permits the use of the premises specified therein as a place for the carrying on of a business, which consists to any extent of the taking of bookings, by any means of communication, from members of the public for the hire of a relevant vehicle as defined in the Licence. The Licence must be exhibited in the Premises in such a place and in such a manner as to be easily read by the public.
2. The Licence holders or, in the absence of the Licence holders, a person authorised by them, must be in charge of the premises at all times and must not be engaged in duties which might prevent the exercising of general supervision of the premises.
3. The Licence holders shall be liable for any act or omission of their servants, agents or lessees in the contravention of, or non-compliance with, any of these Conditions.
4. The Licence holders shall ensure that the Premises are covered by an adequate policy of Third Party Liability Insurance with a reputable and shall exhibit to the Council, on demand, evidence that the premiums in respect of such policy have been timeously paid.
5. The Licence holders shall not make, cause or permit to be made any structural alteration to the premises unless and until details of the proposed works have been submitted by the Licence holders to the Licensing Authority and the works approved by the Council in terms of paragraph 9(2) of Schedule 1 to the Act.
6. All plans of the premises approved by the Council will be retained by the Licensing Authority.
7. The Licence holders must surrender the Licence if and when called upon to do so by the Licensing Authority for the purpose of alteration in accordance with any decision of the Licensing Authority.

**Mandatory Conditions for Booking Offices**

8. The Licence Holder must keep a record of every booking for the hire of a relevant vehicle taken at the relevant premises.
9. The Licence Holder must keep a record of –
  - (1) The registration number of the vehicle which was hired as a result of a booking taken at the relevant premises; and
  - (2) The name of its driver at the time of that hire.
10. The Licence Holder shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a relevant vehicle results in the hire of a vehicle which is –
  - (1) A relevant vehicle; and
  - (2) Being driven by a person who holds a taxi driver's licence or a private hire car driver's licence granted under Section 13 of the Act, and that licence is in effect.



**Local Conditions for Booking Offices**

11. The Licence Holder shall ensure that the relevant premises are not used for any illegal or otherwise unlawful purpose.
12. The licence Holder shall ensure that, the relevant premises are kept in a clean and tidy condition.
13. The Licence Holder shall ensure that every booking for a taxi or private hire vehicle that has been accepted is fulfilled at the time and location specified, unless prevented by sufficient cause.
14. The Licence Holder shall keep a record of the reasons why any bookings accepted were not fulfilled at the time and location specified.
15. The Licence Holder shall produce a policy or procedure for dealing with complaints from members of the public and from persons whose bookings have not been accepted or fulfilled. The Licence Holder shall ensure that all staff are aware of this policy or procedure.
16. The Licence Holder shall keep a record of all complaints made and how they were dealt with.
17. The Licence Holder shall not ask the driver of a taxi or private hire vehicle to do anything which would result in him/her committing a breach of the conditions attached to their licence.
18. Advertisements regarding alcoholic liquor and tobacco products, sexual services, any service considered to be illegal or immoral and anything considered to be political or religious will not be permitted on the relevant premises.
19. The records detailed in Conditions 9,10, 15 and 17 above, may be kept electronically, but the Licence Holder shall ensure that there is a printed version kept within the premises at all times.
20. The Licence Holder shall keep all records for a period of 3 years, which records must be made available to the Licensing Authority, an authorised officer and/or to the Police on demand.
21. Definitions.

“the Act” means the Civic Government (Scotland) Act 1982;

“the Licensing Authority” means a Council constituted under Section 2 of the Local Government etc. (Scotland) Act 1994 and for the purpose of these conditions means Inverclyde Council and any employee, officer or agent authorised to act for and on its behalf;

“the Police” means Strathclyde Police and any employee, officer or agent authorised to act for and on its behalf;

“Licence Holders” means the person, persons, company, firm, public body or voluntary organisation named in the Licence;

“relevant premises” means the premises specified in the Licence.

“relevant vehicle” means a vehicle in respect of which a taxi licence or a private hire car licence has been granted in terms of Section 10 of the Act and that licence is in effect.