

# Air Weapons and Licensing (Scotland) Bill: Introductory Questions



The Scottish Parliament  
Pàrlamaid na h-Alba

Thank you for responding to the Local Government and Regeneration Committee's Call for Evidence on the Air Weapons and Licensing (Scotland) Bill. All submissions will be examined and considered as part of the Committee's scrutiny of the Bill.

Please be aware that questions marked with an asterisk (\*) require an answer before you can submit the form.

Follow the Local Government and Regeneration Committee's Twitter feed - all Committee tweets on this Bill will have the hashtag #aw&bill.

## \*1. Please supply your name and contact details:

Name:	<input type="text" value="Eric Anderson"/>
Organisation:	<input type="text" value="Aberdeen City Council"/>
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
City/Town:	<input type="text"/>
Postcode:	<input type="text"/>
Country:	<input type="text"/>
Email address (if no email leave blank):	<input type="text"/>
Phone Number:	<input type="text"/>

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**\* 2. Please confirm that you have read and understood the Scottish Parliaments [“Policy on the treatment of written evidence by subject and mandatory committees”](#):**

Yes

**\* 3 Please confirm whether you are content for your name to be published with your submission:**

Yes

No

**\* 4. Which of the three categories below best describes your interest in the Bill (please tick only one)?**

Personal

Professional

Commercial

**\* 5. Do you wish your email to be added to the Committee’s distribution list for updates on progress of the Bill:**

Yes

No

**\* 6. Invitations to give oral evidence to the Committee on the Bill will be based on the submissions received. If you wish your submission to be included amongst those considered for possible invitation to give oral evidence, please indicate here.**

Yes

No

**\* 7. You may answer questions on the entire Bill, or on any part of the Bill. Please indicate which parts of the Bill you are responding to? (You may select as many options that apply).**

All of the Bill

Equalities, climate change and other Scottish Government objectives

Air Weapons

General licensing issues

Alcohol licensing

Civic licensing – taxi/private hire car licensing

Civic licensing – scrap metal dealers

Civic licensing – theatre licensing

Civic licensing – sexual entertainment venues

Aberdeen City Council

**Name/Organisation:**

#### **4. Taxi and Private Hire Car Licensing**

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

##### **35. What benefits should the licensing of taxis and private hire cars deliver for customers?**

The principal benefit should be public safety. The licensing scheme should give customers confidence that the vehicle and the driver have achieved the approved standards set down in the legislation. The members of the public who use these vehicles are entitled to be assured that the drivers have been appropriately vetted, are fit and proper persons to drive members of the public and the vehicles they drive are safe, insured and are of the appropriate standard to carry the public for hire and reward.

We however do not understand why this particular question is being asked here when this activity has existed as an optional form of licensing since the introduction of the 1982 Act.

We would suggest that in order to further improve the benefits to public safety national standards are provided as customers deserve the same level safety wherever they travel in the country.

##### **36. In what ways do customers, providers of taxi/private hire car services and local authorities benefit from the two-tier licensing regime for taxis and private hire cars?**

From the perspective of local authorities there is no benefit from having a two tier licensing regime for taxis and private hire cars. In terms of our administration it would be more beneficial to have a one tier system which would have the same criteria for all vehicles and all drivers. In addition minimum standards could be set down by statute which could also set down any specific exceptions .

Most customers and members of the public are unaware to the differences between taxis and private hire cars. What is more important for customers is to ensure that minimum standards are consistently applied across the country, that the vehicles meet the appropriate safety standards and that the costs of journeys are regulated by a working meter.

Further in terms of the local authority and the taxi/private hire trade there is no benefit in having two types of licensed driver. At the moment a taxi driver can drive both types of vehicle and given that the Bill proposes to bring in a testing requirement for private hire drivers to make them the same as taxi drivers why maintain having two types? In Aberdeen City the vast majority of our drivers are taxi drivers as they have the ability to drive both types of cars. It would be simpler to have one type of licensed driver who is vetted, tested and trained who can drive any licensed vehicle. This would still provide the customers with the reassurance they require that they are being driven by a licensed driver.

**37. The Government states that a radical overhaul of the current two-tier licensing regime would “clearly require a very high level of resource and would cause significant disruption for the trade, local authorities, the police and ultimately the travelling public”. What are your views on this and would the potential costs and disruptions outweigh any potential benefits of a unified system?**

We would submit that if there was an appropriate period of transition and the change to a unified system was suitably planned then any problems moving from a two tier system to a unified system should be avoided. Licence holders could be given Grandfather rights similar to that in the transition to the Licensing (Scotland) Act 2005 to allow them to carry on trading until their new unified licence could be determined and issued.

There could be a cost implication for operators if private hire cars were required to be brought up to a higher specification for the new unified licence however this provision could be brought in over a period of time. Any improvement in the specification and safety of vehicles can only be for the benefit of customers and members of the public

If it is identified that a unified system is the best option for the licensing of taxis and private hire cars then this should be done and the best way found to introduce this for the parties involved, it should not be just because of the level of disruption and resource implications it may cause. At the end of the day the customers and the public would benefit from a licensing system that they can have confidence in. We further noted that in the financial memorandum attached to the Bill at paragraph 34 it states that the” provisions in part acknowledge that in parts of the country, taxis, private hire cars and contract hire cars are essentially operating in a very similar market and some of the distinctions between their mode of operation... have been blurred with changes in technology.” Therefore is the time not right to consider a unified system with an overhaul of the current two tier system.

**38. Do the changes made by sections 60 (overprovision of private hire car licences) and 61 (testing of private hire car drivers) of the Bill strike the right balance in terms of introducing greater consistency while maintaining justifiable differences?**

Again we would state that rather than making these changes to the private hire licensing scheme to bring it in line with taxis, having a one tier licensing system would address such matters thus having consistent standards for all involved.

If however that is not to be the preferred option and a two tier system is to be maintained then we would submit that there is no need for a power restricting the number of private hire car licences. Private hire cars have operated adequately to date without the need for restriction with numbers being managed by market forces and this should be allowed to continue.

We would again mention that the Office of Fair Trading have in the past criticised the restriction of taxi numbers and have suggested that these should not be imposed, taxi provision should then be reliant on market forces. The Government therefore appear to not only reject that view but wish to extend the restriction to private hire vehicles as well.

We would also question why the terminology in the provisions to restrict numbers of private hire vehicles is different from that already in the 1982 Act for Taxis. For taxis the authority can assess whether there is any significant demand which is unmet, but in the new bill for private hire vehicles we can refuse a licence if we are satisfied that there is overprovision of private hire car services in the locality. We are now to be given two different tests. If the limitation of these types of vehicles is to be included then there should be consistency and the tests should be the same for each, either unmet demand or overprovision.

We agree that the testing of private hire drivers should be included to bring them in line with taxi drivers. All drivers should be the subject of the same requirements. We would further stipulate that the testing and training requirements for all drivers should be set down in regulations in order to ensure a national standard. We would strongly suggest that in order for existing private hire drivers to be covered by any new testing provisions that it be stipulated that testing should be required on the application for renewal of a private hire driving licence as well as the application for the grant of a licence.

**39. Do you have any views on the section 62 provisions bringing vehicles contracted for exclusive use for 24 or more hours within the licensing regime for taxis and private hire cars, and should any exemptions be included in the Bill?**

We agree with bringing vehicles contracted for exclusive use for 24 hours within the licensing regime as this will provide additional safeguards, protecting public safety and ensuring that vehicles and drivers meet the appropriate standards. However the legislation or any regulations should clearly state any exemptions from this inclusion of contract work for example charitable organisations or any other exemptions deemed appropriate.

We previously stated that due to difficulties experienced a national response is required in respect of special events vehicles. Some of these may fall within the contract hire provision now requiring them to be licensed however there has been uncertainty and a lack of consistency across the country and this therefore requires clarification.



