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&lbill.

*1. Please supply your name and contact details:

Name: Michael McDougall
Organisation: Glasgow City Council
Address 1:
Address 2:
City/Town:
Postcode:
Country:
Email address (if no email leave blank):
Phone Number:
2. Please confirm that you have read and understood the Scottish Parliaments “Policy on the treatment of written evidence by subject and mandatory committees”:

x Yes

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

x Yes

□ No

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

□ Personal

x Professional

□ Commercial

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

x 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
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 Licensing Authority considers the primary objective of the licensing regime to be the protection of public safety.

The Authority is of the view that the licensing of Booking Offices is an essential part of the licensing regime of taxis and PHCs. This licence type is important in ensuring that the public can travel safely and that bookings are evidenced and recorded. However, in keeping with its view of the importance of public safety, the Authority would suggest that the exemption where a booking office licence is not required where there are less than 3 cars is removed. It is the Licensing Authority’s experience that, from time to time, operators who claim this exemption do in fact have more than 3 cars. The Authority is of the view that all operators should require a booking office licence. It is hoped that this would help to improve general accountability.

The Authority would also suggest that the Booking Office concept helps protect the public against rogue operators. The Authority has concerns that suspended drivers or drivers with expired licences are able to continue to trade by utilising a mobile phone from which they take bookings. By virtue of not being subject to the standard conditions of a Booking Office licence, the licensing and enforcement authorities cannot evidence illegal activity. Furthermore, this mobile phone may be located out with the licensing authority’s area.

In preparing for the near future, the Authority would suggest that the Scottish Government examine the interface between the Booking Office legislation and app based booking systems. The legislation should be amended to ensure that any future booking systems are delivered in a way that public safety is protected and that both licensing and enforcement authorities have access to the information that they require to effectively regulate the trade.

Furthermore, the Authority is aware that the licensing regime could be further improved to ensure that it meets the needs of the Authority, the trade and customers. In meeting these needs the Authority would suggest that transfer provisions are introduced into the 1982 Act. The Authority considers this to be a serious deficiency in the Act and while the Authority works around these constraints, it is of the view that proper transfer provisions would be a great help.

The Authority also welcomes the Scottish Government’s commitment to modernising the provisions of the 1982 Act in respect of taxis and PHCs. In keeping with this, the Authority hopes that the Scottish Government examines developments in both the United States and European countries in relation to online taxi booking apps. Such apps will doubtless be introduced to Scotland in the near future and the Authority would suggest that the Government begins to consider whether these apps would require any legislative amendments.
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?

As noted above, the Licensing Authority is of the view that the primary objective of licensing taxis/PHCs is public safety. All stakeholders benefit from a licensing regime focused on this objective, whether it being the Authority knowing that drivers are fit and proper persons or the trade knowing that the public have faith in securing a safe journey home. In meeting this objective, the Licensing Authority is of the view that the two-tier licensing regime for taxis and private hire cars is vital. It is only through restricting private hire cars (PHCs) to saloon like models and prohibiting them taking “there and then hires” that the public can be confident that the vehicle they flag down on the road is indeed a genuine taxi. Any move to remove this differentiation, in the Authority’s view, will compromise public safety by creating uncertainty in the public’s mind.

The Licensing Authority is of the view that this two tiered approach offers other benefits, for example the PHC regime offers a lower the barrier of entry to potential applicants given that an applicant can use their own vehicle. PHCs also offer a less expensive option to customers given the price differential.

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?
The Licensing Authority agrees with the Scottish Government contention that any such overhaul would cause large scale disruption. In the event that the Authority is required to radically alter its two existing forms of licensing for these activities then the Authority has concerns ranging from the need to update its IT systems to needing to overhaul the signage used by PHCs and taxis.

The Authority would submit that it is not merely a case of updating its existing policies but would involve extensive research and consultation to ensure that public safety is maintained. This would doubtless lead to new signage being required and therefore it would need be developed and contracts agreed for its supply. Furthermore, the Licensing Authority is under contractual obligations in relation to the supply of the current signage. This contract must be honoured unless the Licensing Authority wishes to suffer severe financial penalties.

Further, the Authority would suggest that there would be a need to embark on a large-scale education campaign of the public. The focus of this campaign would be on educating the public as to what is a safe vehicle to hail on a public carriageway.

As well as engagement with the public, there would need to significant retraining of both taxi and PHC drivers to ensure that they are aware of their new role and responsibilities.

All of the above will require the Authority to expend significant resources to achieve. In short, any change to the two tier licensing regime would, in the Licensing Authority’s view, require a substantial lead in period – two years or more.

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?
The Licensing Authority is concerned that the Scottish Government’s proposal to require the testing of PHC drivers erodes the difference between PHC and taxi drivers. The Authority understands that taxi drivers are tested as they are subject to “there and then hires” and therefore do not have an opportunity to research a route. However, PHC drivers by the very nature of being pre-booked, have the opportunity to make investigations into how to reach a destination. Therefore, by imposing the same requirement on PHC drivers, it creates an impression that they are trained to an equivalent standard. In short, the Licensing Authority respectfully submits that it sees no reason to impose this requirement upon PHC drivers.

In relation to the proposal to introduce the ground of refusal on the grounds of overprovision, the Licensing Authority would suggest that firstly there is no need for such a ground of refusal and secondly, the difficulty in determining if such overprovision exists makes it impractical for the Licensing Authority to adopt such a policy.

The Licensing Authority is of the view that overprovision of PHCs is best left to the regulation of the marketplace. If there are too many PHCs then the number of drivers required will decrease and therefore the demand for licences will lessen. In the Licensing Authority’s experience, most applicants have an indication of whether employment is available thereby, suggesting that there is a need for drivers. Further, the Licensing Authority is not aware of any evidence to suggest that there is an overprovision of PHCs or that such an overprovision is causing an issue.

Furthermore, determining the provision of PHCs is a very different matter from determining the provision of taxis. Unlike taxis, PHCs do not congregate at ranks and therefore an assessment developed by a specialist third party would be required and it likely that ongoing assessments would require to be carried out by this party to keep the data up to date and relevant. The Licensing Authority would respectfully submit that such a process is unnecessary given its view that overprovision of PHCs is not an issue of import.

The Licensing Authority is also concerned that the implementation of this ground of refusal would lead to a value being attributed to a PHC licence. This, in the Authority’s view, would lead to the creation of a cartel like structure. The relative ease of obtaining a licence helps encourage individuals to apply for a licence and therefore gives the Authority an opportunity to vet applicants. If it became known that the supply of licences was effectively at an end, the Authority would be concerned that this would lead to an increase in unlicensed trading.
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?

The Licensing Authority has no specific comment to make in relation to this matter however, would suggest that the Scottish Government considers the matter of vehicles that are hired out for the transport of passengers that do not fall within the definition of taxi/PHC, e.g. limousines and party buses. It is suggested that the licensing of these activities would help secure public safety and drive up standards.