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: Carol Johnston, Chief Solicitor
Organisation: West Lothian Council
Address 1: 
Address 2: 
City/Town: 
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Country: 
Email address (if no email leave blank): 

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Phone Number: 01506 281624

* 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
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 benefits which hire car licensing should deliver for customers are a system of public transportation within taxis and private hire cars which offers high standards of safety, accessibility, comfort, reliability and customer service.

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?

Customers can choose to either book a taxi or private hire car (PHC) depending on their needs and/ or preference. In West Lothian from February 2015 all taxis will all meet a single accessibility standard so customers requiring particular types of accessibility features will be able to know before hailing a taxi or waiting at a rank whether they will be able to access a taxi. From February 2015 all PHCs will either be either saloon cars (type 1 PHCs) or larger 8 seater vehicles equipped with passenger lifts (Type 2 PHCs). Type 2 PHCs are suitable to transport persons who require to travel within larger heavier wheelchairs or require a passenger lift to access a vehicle. Such persons cannot normally travel within accessible taxis (as these are not large enough to accommodate lifts) so the two tier licensing scheme allows a greater variety of vehicles to be available for hire which ensures that as many disabled persons as possible can use hire cars. Operators who wish to licence a PHC with more than 4 passenger seats in order to be able to transport larger groups may be encouraged to licence a type 2 vehicle and this adds to the flexibility of the overall hire car fleet and increased choice for customers.
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?

It is clear that a radical overhaul of the current two-tier licensing regime would require a very high level of resource and would cause significant disruption for the trade, local authorities, the police and ultimately the travelling public. Local authorities would be forced to completely change their policies and to undertake significant consultation with key stakeholders prior to this. This exercise would be resource intensive and time consuming and would lead to an extended period of uncertainty for the hire car trade. In addition, it would be difficult to envisage how an acceptable level of accessibility could be achieved without making all hire cars meet a single accessibility standard. This would mean that saloon cars could no longer be used as hire cars which would be unfortunate as many customers prefer them and they are eminently suitable to be licensed as PHCs which require to be pre booked. It is only by Councils imposing accessibility standards that the majority of taxi operators have licensed accessible taxis due to their significantly greater cost when compared with saloon vehicles. Very few operators were prepared to upgrade to accessible vehicles on a voluntary basis. Another major difficulty would be lack of rank space. If all currently licensed vehicles could use taxi ranks this would cause chaos as there simply are not sufficient spaces. In West Lothian there are twice as many PHCs as taxis and space at the busy ranks is already very limited and at times causes traffic congestion. Other ranks are underused as customers use mobile phones to book taxis or PHCs instead of queuing. It is submitted that West Lothian’s current hire car policies ensure that taxis and PHCs complement each other and when fully implemented next year these polices will provide the best choice of hire cars for all customers including disabled travellers. It is therefore submitted that the potential cost and drawbacks of a unified system outweigh any advantages and that the current two tier system should be retained.

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?
It is submitted that without changes to the legislation to allow licences to be transferred that the changes planned by section 60 if implemented will inevitably lead to operators entering into black market arrangements to “rent” plates. As the legislation provides that licences come to an end a short period after the death of a licence holder these arrangements often lead to inequitable situations where the “tenant” has financed the purchase of a vehicle and may have no legal right to that vehicle in the event of the licence holder’s death. In addition in enforcement terms it is difficult to assess who the actual operators of vehicles are.

The changes to training requirements are welcomed. All hire car drivers should have to demonstrate knowledge of their area as satellite navigation has its limitations. It is submitted that local authorities be required to introduce a system of mandatory training for all hire car licence within the next 5 years. The pilot schemes run by People 1st have established asset number of modules which should be recommended as mandatory in statutory guidance. This will raise standards across the whole of the country. It is submitted that licensing authorities should have the power to order an operator or driver to undertake a particular training module in appropriate circumstances if complaints regarding them are substantiated.

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?

Many councils such as West Lothian have introduced mandatory signage for PHC vehicles to ensure that the public can differentiate between taxis which can be hailed and PHCs which need to be pre booked. There will obviously be great resistance to the use of such signage on high quality chauffeur driven vehicles. Consideration should be given to what special conditions could be applied to these vehicles and how they can be distinguished from the rest of the PHC fleet.

Also the removal of the 24 hour contract exemption will potentially bring vehicles operated by hotels, nursing homes, schools and nurseries within the scope of the legislation if customers are paying for the service. Exemptions should be considered for transport of such persons.