

TAXI OPERATORS AND PRIVATE HIRE OPERATORS FORUM

Minutes of a meeting in the County Buildings, Wellington Square, Ayr,
on 25th January 2010 at 10.00 a.m.

Present: Councillors Peter Convery (Chair), Ian Fitzsimmons and Alec Oattes; Valerie Andrews, Head of Legal and Administration; Morag Douglas, Licensing Policy and Administration Officer; Donna Scobie, Licensing Monitoring Officer; Lesley Anderson, Senior Community Safety Officer; Billy Duncan, Transport Supervisor; and Janice McClure, Committee Administrative Officer.

Apology: Robert Howe, Fleet Manager.

Attending: J. McGuire and T. Armstrong, South Ayrshire Taxi Owners Association; M. Wilkinson, South Ayrshire Private Hire Association; L. Houston, Gribbens Taxis; G. Fallows, Troon Private Hire Association; M. Wilkie, Streamline Taxis; and M. and H. Ankers, South Ayrshire Access Panel.

Also Attending: Sergeant Stuart McVean, Strathclyde Police; and David Wallace, Enforcement Officer, North Ayrshire Council.

Apology: Sergeant Alister Kelly, Strathclyde Police.

1. Chair's Remarks.

The Chair welcomed David Wallace, Enforcement Officer, North Ayrshire Council to the meeting and advised that, as North Ayrshire Council was considering the establishment of a Taxi Forum, David was attending this meeting as an observer.

2. Request from SafeAyr Joint Action Group.

There was submitted a letter (issued) dated 16th December 2009 from the Senior Community Safety Officer (Problem Solving) on behalf of the SafeAyr Joint Action Group requesting that a restriction on the operating times of the taxi rank at Spar, Boswell Park, Ayr be implemented by the Council and outlining the reasons for this request, with the proposal being that the taxi rank not be in use from 10.00 p.m. to 4.00 a.m. Fridays and Saturdays and on any other dates when taxi marshals were in operation at the taxi rank outside "Boswells", Boswell Park, Ayr.

A DVD was then shown outlining the problems experienced by Strathclyde Police at Boswell Park at weekends in the evening and Sergeant McVean advised

- (1) that numerous requests had been made to taxi drivers to only utilise the allocated taxi rank spaces and that, despite him and his colleagues moving drivers on, they had continued to queue outwith the taxi rank spaces;
- (2) that he had discussed this issue at the SafeAyr Joint Action Group and was now attending the Taxi Forum with a view to reaching a compromise with the taxi drivers; and
- (3) that should the situation not improve he would have no option but to issue those drivers parking on the double yellow lines with a parking ticket.

Members of the Forum then commented

- (a) that, due to the lack of taxi ranks, drivers had nowhere to sit while awaiting a hire when ranks were full; and
- (b) that the taxi rank at Boswell Park would operate more efficiently if it faced the opposite way,

and the Senior Community Safety Officer advised that CCTV cameras were unable to view that area effectively when more than three taxis were ranked at Spar at Boswell Park and that a survey was issued to taxi drivers annually and they could submit their comments on the taxi ranks and these comments would be taken into account.

The Licensing Policy Officer outlined that an advert would shortly be displayed in the local press from SafeAyr requesting comments on this issue and that the Regulatory Panel would carry out a consultation before making any decision on suspending a rank.

Decided: that the drivers should, in the first instance, make representation to the SafeAyr Joint Action Group on the ranking of taxis in Ayr outlining their proposals to improve the area.

3. **Minutes of previous meeting.**

The Minutes (issued) of the Taxi Operators and Private Hire Operators Forum of 15th June 2009 were submitted.

Decided: to approve the Minutes as a correct record.

4. **Matters Arising.**

(1) **Kerr and Smith.**

Members of the Forum enquired

- (a) why taxis and private hire vehicles required to have both a taxi test and MOT together when a taxi test and emissions test would be sufficient and the Licensing Policy Officer advised that when the contract went out to tender, a specification for the test was made which included an MOT;
- (b) why a brand new car would require an MOT and the Licensing Policy Officer advised that the MOT testing of new vehicles was required for public safety reasons as some new vehicles had previously failed the test;
- (c) why meters were tested at each taxi test even when they were set and sealed and the Licensing Policy Officer advised that this was an integral part of the test and required to be carried out;

- (d) if the above matters and other issues could be considered by the Regulatory Panel with a view to these requirements being relaxed and the Licensing Policy Officer advised that this request would require to be made to that Panel in writing when it would consider them in the first instance and then be considered by the Leadership Panel and, if the request was approved, it would then require to be ratified by the full Council as this was a change to the Council Policy.

Decided: that the members of the Forum submit their requests in writing to the Head of Legal and Administration for the consideration of the Regulatory Panel, in the first instance.

(2) Private Hire Vehicles Accessing High Street, Ayr.

With reference to the Minutes of 15th June 2009 (Page 2, paragraph 3(2)) when it had been decided that the Licensing Policy Officer would investigate further the matter of Private Hire Drivers possibly being prevented from entering Ayr High Street with disabled passengers, there was submitted a report (issued) which had been considered and approved by the Regulatory Panel at its meeting of 26th November 2009 whereby the Order under the Road Traffic Regulation Act 1984 which was approved

- (a) would provide unrestricted access to High Street between 6.00 p.m. and 6.00 a.m. Mondays to Sundays;
- (b) would provide two night time Taxi Stances between 6.00 p.m. and 6.00 a.m. only outside no. 23-30 High Street and 160 High Street;
- (c) would provide an additional Taxi Stance outside the Kyle Centre twenty four hours per day; and
- (d) would permit unrestricted parking in the existing bays between 6.00 p.m. and 6.00 a.m. Mondays to Sundays.

The Chair enquired how private hire drivers were finding accessing the High Street as he was aware that problems had emerged when drivers had been stopped by Strathclyde Police or a Traffic Warden having dropped off a disabled passenger who had taken their disabled badge with them and the members of the Forum advised that four incidents had occurred recently with drivers being moved on by Strathclyde Police when attempting to pick up disabled passengers and the Licensing Policy Officer outlined that she would contact Strathclyde Police to clarify their position on dealing with these circumstances.

The Licensing Policy Officer further advised that the Supervisory Engineer (Traffic) had outlined that the Road Traffic Order had been in place since 1993 and that there was little prospect of it being amended to include Private Hire Vehicles, however, if a driver could prove that they had been transporting a passenger who carried a blue disabled badge then it should not be a problem accessing Ayr High Street.

M. Ankers of South Ayrshire Access Panel reported the problems being experienced by disabled people attempting to cross Ayr High Street after 6.00 p.m. due to the high volume of cars now entering; the Chair advised that he had been liaising with Officers of the Council regarding road humps being level with the pavement causing problems for blind people and also the lack of pelican crossings on the High Street; and members of the Forum outlined their concerns at the lack of signage in the town regarding speed limits and one-way streets, especially at Dalblair Road and Smith Street.

Decided: that the Licensing Policy Officer would contact Strathclyde Police to ascertain their policy on Private Hire Drivers picking up and dropping off disabled passengers in Ayr High Street.

(3) Fire Extinguishers.

With reference to the Minutes of 15th June 2009 (Page 4, paragraph 6) when it had been decided that the Fleet Manager further investigate the claims by a member of the Forum who had liaised with the Department of Trade, Strathclyde Fire and Rescue and Chubb that foam fire extinguishers contained carcinogens and that, following use of these extinguishers, vehicles required to be professionally cleaned, there was submitted a report (issued) of 5th January 2010 by the Fleet Manager

(a) advising

- (i) that the Leadership Panel at its meeting on 24th June 2008 had approved the Policy, Guidelines and Code of Practice applicable to Licensing, Operation and Testing of Taxis and Private Hire Vehicles and that the specification outlined in the document had required an Aqueous Film Forming Foam (AFFF) Extinguisher to be fitted in licensed vehicles;
- (ii) that, having checked product data sheets from Angus Fire and Chubb for COSHH register recording, he had found that various organisations had stated that there was no ingredient classed as carcinogenic and that, as long as the extinguishers were used as instructed and normal hygiene standards were employed, there was little risk of any long-term issues arising;
- (iii) that it was clear that fire in a vehicle would cause damage that generally would require professional cleaning, however, AFFF was easily biodegradable in water; and
- (iv) that compaction of powder in Powder Extinguishers could often occur in vehicles, boats and areas where heavy machinery was working due to the vibration compacting the powder over time, making the extinguisher unusable when required, leading to Cyngor Sir Powys County Council banning the use of powder extinguishers because of the risk of them failing to operate when required;

- (b) reminding drivers that any fire fighting with an extinguisher should only occur if everyone had been evacuated, the Fire Service had been contacted and it was considered safe to do so; and

- (c) recommending that South Ayrshire Council continue to require that AFFF fire extinguishers be fitted to licensed Taxis and Private Hire Vehicles to ensure that a suitable working fire extinguisher was available in the event of a Taxi or Private Hire Vehicle fire.

Decided: that the members of the Forum submit their requests in writing regarding fire extinguishers in taxis and private hire vehicles to the Head of Legal and Administration for the consideration of the Regulatory Panel, in the first instance.

(4) Taxi Training.

With reference to the Minutes of 15th June 2009 (Page 5, paragraph 8) when it had been decided that the Licensing Policy Officer would report back to this meeting once further information was available, the Licensing Policy Officer advised that the Regulatory Panel of 20th August 2009 had approved Training Scotland Ltd. as training providers of taxi and private hire drivers, however, she had been unable to contact this organisation since their approval as training providers had been granted to ascertain their proposals and a member of the Forum outlined that, on contacting Training Scotland Ltd. to train his colleague, they had advised that they would be unable to carry out the training on a one-to-one basis, as was previously offered.

The Licensing Policy Officer reported that drivers had six months to undertake and pass the training course from when their licence was granted which was adequate time and, following a request from a Forum member on whether this timescale could be reduced, the Licensing Policy Officer advised that this would be a change to a Council Policy and would therefore require to go through the appropriate channels to be amended.

Decided: that the Licensing Policy Officer would again attempt to contact Training Scotland Ltd. and ascertain if they were willing to train small numbers of drivers, as previously agreed.

5. Standard of Vehicles Being Presented for Testing.

The Licensing Monitoring Officer advised

- (1) that she monitored the standard of vehicles which were presented for testing at Kerr and Smith and had been disappointed to note that vehicles had been arriving at the garage in an unsuitable state and not fit for purpose;
- (2) that 55 vehicles had failed the test since Kerr and Smith commenced their contract on 1st April 2009 and further concerns had arisen with one operator presenting seven vehicles in one week which had all failed the taxi test;
- (3) that all operators should ensure that their vehicles were in a proper state every day and not just on the day of the test; and

- (4) that a record of failures would now be kept and should a pattern of failures emerge, she would submit a report to the Regulatory Panel for them to review the offender's Taxi Operator's Licence.

Decided: to note the position in relation to the standard of vehicles being presented for testing.

6. Disclosure – Police Request for All Drivers to be Covered.

The Forum heard the Licensing Policy Officer advise that, following some applicants failing to disclose previous convictions, a request had been received from Strathclyde Police to introduce Disclosure as part of the Council's procedure, however, Licensing could not request that the applicants obtain Enhanced Disclosure as this would require a change in National Legislation, though the Education Department required an Enhanced Disclosure which was more expensive for the applicant to obtain.

Decided: to note the present position with regard to Disclosures.

7. A.O.C.B.

A member of the Forum reported on increased engine capacities for Private Hire Vehicles and utilising a Renault Traffic as a minibus and the Chair advised that these matters could be continued to the next meeting of this Forum to allow the Fleet Manager to comment.

Decided: that the above items be continued to the next meeting of this Forum to allow the Fleet Manager to comment.

8. Date of Next Meeting.

Decided: that the date of the next meeting of the Taxi and Private Hire Operators Forum would be agreed in conjunction with the Chair and that all members of the Forum would be advised of this date in due course.

9. Chair's Remarks.

The Chair thanked all those present for their attendance and contribution.

The meeting ended at 12.25 p.m.