



West Lothian
Council

Hire Car Licence Holders Newsletter June 2010

Licensing Team Contact Details

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Contact Details

The Licensing Team are based in West Lothian Civic Centre and our contact details are noted above. It is not possible to see members of the team without an appointment although documents can be handed in to the main reception desk in envelopes. Please ensure that you receive a receipt for any documents handed in and that your documents do not include payments of any kind as these should be made at West Lothian Connected.

Hire Car Review Update

As you are aware the Council decided on 13 January 2009 to approve the de-restriction of taxi licences in principle, subject to a review of the hire car scheme to be carried out by the Licensing Team. It was originally hoped that this review would be completed by January 2010 but there has been significant delay. In terms of the Council decision the review is to cover suitable vehicles for use as taxis and private hire cars, licensing conditions, taxi ranks, fees, livery, enforcement and phasing arrangements for the issuing of new taxi licences.

To take forward the review the Council approved the setting up of the Hire Car Consultative Group (HCCG). The group is made up of the Cab Inspector, the Senior Vehicle Examiner from the Taxi Examination Centre, a Licensing Standards Officer and representatives from the three local hire car trade organisations, the Disability Forum and the Council's Emissions team. The group is chaired by the Chief Solicitor.

The first report from the group on suitable vehicles for use as taxis was approved in June 2009 and the second regarding suitable vehicles for use as private hire cars (PHCs) was approved in November 2009. Details of the revised policies are attached hereto and are enclosed with all vehicle licence application forms which are available on the Council's website or from the Licensing Team.

The Council decided in April 2010 that new style hire car licence plates for taxis and private hire cars will be introduced and that in future all plates will be issued by the Taxi Examination Centre. There has been a slight delay in issuing the new style of plates but this will commence on 2 August 2010 for all vehicles examined from then on and will be phased in for all vehicles over the next year. I enclose a guidance note explaining the change regarding licence plates for your information.

The Council also decided in April that the introduction of CCTV in hire cars would not be mandatory and that PHC conditions will be changed to introduce a system of Council issued door signs for PHCs to replace the existing signage. After the final

report on conditions is considered by the Council later this year and the necessary statutory procedure is carried out to amend conditions, the new signage will be introduced on a phased basis. From a date to be agreed, all PHCs being tested will require to display Council issued signs on their front doors indicating that the vehicle is a West Lothian licensed private hire car and must be pre booked. Vehicles will also be permitted to display additional signs to indicate their booking office and telephone number but these signs will be in a specific format as agreed by the Council. More details regarding these signs will be issued later this year.

The HCCG is currently considering revised conditions for taxi and PHCs including the introduction of mandatory training for all licence holders and finally will report to the council regarding fees, taxi ranks and phasing arrangements for issuing new taxi licences. You should make your views clear on these issues to the representatives from the three local hire car associations who are members of the group. Their details are available from the Licensing Team. Alternatively you can e mail your comments to LicensingServices@westlothian.gov.uk.

It is regrettable that progress in the HCCG has been much slower than was originally expected. As a result it is now difficult to estimate when the review will be completed. You should be aware that the entire review must be completed and reported to the Council before any decisions will be taken by the Council regarding issuing new taxi licences.

The final few reports will be discussed at the HCCG prior to being considered by the Environment PDSP and then the Council Executive. If you wish up to date details regarding the progress of the review you should obtain that information from your trade representatives. In the meantime you should be aware that a report recommending the issuing of additional taxi licences will not go before the Council Executive in the next few months as the review has not yet been completed.

Suitable taxi vehicles

The annual review of vehicles suitable to be used as taxis is currently ongoing. A number of potential additional vehicles have been suggested by the trade associations and will be considered by the HCCG. If agreement cannot be reached at the group a decision will be made by the Council Executive. Further information will be issued to licence holders once decisions have been reached on the suitability of the proposed additional vehicles.

Changes to application forms

Application forms and guidance notes to apply for the grant or renewal of all hire car licences have recently been amended again following a review of hire car processes. Please note that old versions of application forms will not be processed and will be returned and this will delay the application process. Evidence of identity must accompany application forms – this should be photographic and include your current address. The photocard part of your DVLA licence or passport and a recent utility bill must be submitted along with a passport style photograph.

Taxi cards

As you are aware it has been a condition of all taxi and private hire car licences for some time that all should accept taxi cards. The taxi card user should make the driver aware before the journey commences that they are intending to use their taxi card. There is no requirement for this to be mentioned at the time of booking the hire.

If you experience problems with this or wish additional information please contact the Public Transport Team on 01506 775291.

Addresses

It is a condition of your licence that you keep the Licensing Team informed of any change of address. There is no longer a fee for this and any changes should be submitted direct to the Licensing Team. This is important as the Licensing Team send out information frequently regarding changes to conditions and confirmation of medical appointments. Please remember that all drivers also require to submit their DVLA licence displaying their current address when applying to renew their licences.

Medicals

The holders of taxi driver's/private hire car driver's licences must have a current certificate of fitness to drive a hire car if required by the DVLA standards in relation to Group 2 licence holders and shall attend such medical examinations as are necessary to obtain such a certificate. You should keep a note of when your certificate is due to expire and ensure that you attend a medical prior to that date. If you are in any doubt as to whether you require a certificate of fitness please contact the Licensing Team. All drivers over 45 must have a certificate of fitness together with any drivers under 45 who have been examined before this due to their medical history. If you are diagnosed with any condition which may affect your ability to drive a hire car you should immediately inform the Licensing Team.

The Council has agreed that in relation to all currently licensed drivers the cost of all medical examinations, follow up reports and additional tests which may be required in order to assess a driver's fitness to drive shall be met by the Council. However, the council has decided that all new applicants must be passed fit for at least one year and any additional tests required will not be met by the Council.

If you require any further information regarding medical certification please contact the Licensing Team.

Licensing Standards Officers

The Council have employed a number of Licensing Standards Officers (LSOs) who are authorised to undertake enforcement duties relating to hire cars. Please ensure that you are familiar with all conditions attached to your licence.

Return of ID badge/licence

You are reminded that if you decide to give up driving hire cars permanently you are required in terms of your licence conditions and the relevant legislation to deliver your licence and ID badge to this office. Your ID badge and licence are important documents and should not be destroyed. Similarly licences and plates must be returned for any vehicles no longer being operated as hire cars. If you have lost your licence or ID badge you should immediately contact the Licensing Team to report this and request duplicates.

Vehicle tests

A £30 fee for missed vehicle tests will be charged. A number of licence holders repeatedly miss their vehicle examinations and this adds to delays within the system for all licence holders. The fee must be paid before another test can be arranged.

Replacement Vehicles

If you are replacing your vehicle you must take your licence plates with you to the Cab Office when your new vehicle is being tested. Failure to do so will result in your test being cancelled.

Licensing Conditions

A system of warnings has been introduced for hire car licence holders reported to have breached licence conditions. If an alleged breach of conditions is reported to the Licensing Team the Chief Solicitor will arrange for the circumstances to be investigated. If there is sufficient evidence the Chief Solicitor may, depending on the seriousness of the breach, decide to issue the licence holder with a warning rather than reporting the matter to the Licensing Committee. Licence holders who receive warnings can challenge them by opting for a hearing before the Committee. Unchallenged warnings remain on a licence holder's record and may be reported to Committee in future along with any subsequent breaches of conditions. Since the new system was introduced in January this year 37 warnings have been issued.

Please familiarise yourself with your conditions of licence to ensure that you are aware of all requirements of your licence. In particular it is your responsibility to ensure that you are operating in accordance with all legal requirements when undertaking work outwith West Lothian. All licence holders should be aware that they may be reported to Committee for breaches of the criminal law which result in their receiving fixed penalty tickets.

Private Hire Cars – Parking in public places

The Licensing Team and the Taxi Examination Centre continue to receive complaints regarding PHCs parking in public places. It is a breach of licensing conditions for PHCs to park in a public place except when they are undertaking a pre booked hire. Enforcement of this condition is ongoing and PHC drivers are reminded that they should not park in public places. The most frequent complaints are that PHCs are parking in public car parks, residential areas and near to entertainment or other licensed premises. Those drivers who ignore this condition will be reported to the Licensing Committee.

Taxis – Parking near taxi ranks

The Licensing Team and Lothian and Borders Police continue to receive complaints regarding taxis parking adjacent to busy taxi ranks. This is a breach of the taxi driver's licence conditions and, in addition, may be considered an obstruction by the Police. This is a particular problem at the Asda taxi rank in Livingston despite the extension of the rank last year. Enforcement of this condition is ongoing and drivers who ignore this condition will be reported to the Licensing Committee.

Topographical tests

All applicants for taxi driver's licences must pass a topographical test to demonstrate their knowledge of the local area based on the information contained in the West Lothian map published by the Council. Tests take place every few weeks at Edinburgh City Chambers. The tests comprise four sections. In the first section applicants are asked to identify which towns a number of housing areas are situated in. The second section requires the applicant to state the nearest main road to a number of named streets. Main roads are shown coloured brown/gold on the map.

The third section requires applicants to identify the streets in which various pubs and clubs are located. The final section asks where the nearest main road is to a number of miscellaneous premises such as health centres, schools and entertainment venues. Each section accounts for roughly 25% of the total mark. The pass mark is 80%. One resit is allowed if an applicant fails the first paper. To apply for a taxi driver's licence and receive a copy of the map to prepare for the test please contact the Licensing Team.

Licensing of booking offices

As you are aware all hire car booking offices required to apply for a licence to operate after 16 November 2009. The only exception to this is for offices which never take bookings for more than three specific vehicles. Please note that it is the number of different vehicles for which bookings are taken which is important and NOT the number of vehicles logged onto a system at any one time.

If you are unsure as to whether you may require to be licensed please take legal advice on this issue or telephone the Licensing Team as soon as possible for guidance. Routine enforcement of this legislation will take place to ensure that all offices are operating in line with the new provisions. Licensed booking offices are required to keep records of all hires. These records will be utilised by the Police and LSOs in investigating complaints.

Licensing Team
June 2010