



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Licensing Committee

A Meeting of the **Licensing Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 16 May 2018 at 10:00** to consider the undernoted business.

Please note that, whilst the items on this Agenda are public documents, consideration of some reports at the meeting may necessitate the passing of a resolution to exclude from the meeting the press and public in terms of Section 50A(4) of the Local Government (Scotland) Act 1973.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Minutes

The accuracy of the Minutes of the meeting held on 18 April 2018 will be confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Civic Government (Scotland) Act 1982 and other Licensing statutes: Licensing Matters

Submit report by the Chief Executive on hearings to be determined and applications for the grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982 (copy enclosed).

4 Taxi and Private Hire Car Vehicle Specification and Inspection Standards

Submit report by the Chief Executive on the current position in relation to taxi and private hire car vehicle specification and inspection standards under the Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) (copy enclosed and revised Appendix 2 to follow).

- 5 Landlord Registration under the Antisocial Behaviour etc (Scotland) Act 2004, Part 8**
Submit report by the Chief Executive on Landlord Registration matters (copy enclosed).
- 6 Urgent Items**
Any other items which the Chair considers to be urgent.

Licensing Committee Sederunt

Ronnie McNicol (Chair)
Todd Ferguson (Vice Chair)
Robert Barr
John Easdale
Scott Gallacher
Jean McClung
Davina McTiernan
Donald L. Reid
Angela Stephen
Vacancy

Chair:

Apologies:

Attending:

NORTH AYRSHIRE COUNCIL

16th May 2018

Licensing Committee

Title:

Civic Government (Scotland) Act 1982 and other Licensing statutes: Licensing Matters

Purpose:

To advise the Committee of:

- (a) Hearings to be determined;
- (b) Applications for the grant or renewal of licences and permits; under the Civic Government (Scotland) Act 1982 and other statutes within the Committee's remit.

Recommendation:

That the Committee consider and determine the matters before them.

1. Executive Summary

- 1.1 The Licensing Committee's remit is to exercise the Council's licensing functions. These functions arise under many statutes, mainly the Civic Government (Scotland) Act 1982. Depending on the legislation and the circumstances of each individual case, the Committee is entitled to grant, refuse, renew, vary, suspend and revoke Licences.

2. Background

- 2.1 The Committee's business under the 1982 Act is detailed in two Appendices:
 - Appendix A: Licences and Permits where Hearings have been convened;
 - Appendix B: Applications for the grant or renewal of Licences and Permits

3. Proposals

- 3.1 It is proposed that the Committee consider and determines each of the listed cases in accordance with the required procedure.

4. Implications

Financial:	There are possible financial implications in relation to any Licensing decision.
Human Resources:	None
Legal:	There are possible legal implications in relation to any licensing decision. Depending on the legislation, there may be a right of appeal.
Equality:	The Clerk has considered the "Public Sector Equality Duty" in preparing the Appendices and any specific equalities impacts will be evaluated where appropriate. Unless the Clerk advises the Committee otherwise in a particular case, there are no significant equalities impacts to be considered.
Children and Young People:	None
Environmental & Sustainability:	None
Key Priorities:	An effective licensing system, e.g. monitoring the 'fit and proper' status of hire-car drivers and the safety of their cars, helps achieve Priority 4 of the North Ayrshire Council Plan 2015-2020, ("Supporting all of our people to stay safe, healthy and active").
Community Benefits:	Not applicable, as the Report does not relate to tendering or procurement exercises.

5. Consultation

- 5.1 Consultations have been undertaken where appropriate with Police Scotland, Scottish Fire and Rescue, and Council Directorates



Elma Murray OBE
Chief Executive

For further information please contact **William O'Brien, Solicitor (Licensing)** on **01294 324305**.

Background Papers

N/A

Hearings (Appendix A)

Suspension Hearing 1	Taxi Driver's Licence	TDL/00978
Licenceholder and Address	Gordon Hewitt Flat 2/1 43 Gateside Street Largs KA30 9LH	
Hearing 2	Taxi Driver's Licence	TDL/02083 (new)
Applicant and Address	Brian Stephens 14 Campsie Way Bourtreehill South Irvine KA11 1JQ	
Hearing 3	Taxi Driver's Licence	TDL/01029 (new)
Applicant and Address	Michael Rawley Flat 1 39 Gogo street Largs KA30 8JW	

Applications for Licences/Renewal of Licences (Appendix B)

Type of Licence/Reference Number	Details of Applicant
TDL/00164 (renewal)	Craig McPherson 65 Lawthorn Court Kilwinning KA13 6DW
TDL/00945 (renewal)	James Haswell 38 Woodwynd Kilwinning KA13 7DE
TDL/01327 (renewal)	Craig McCready 36 Archers Avenue Irvine KA11 2GB
TDL/01774 (renewal)	Robert Whyte 44 Auldlea Road Beith KA15 2DA
TDL/02097 (new)	Grant Davidson 10 Gray Crescent Irvine KA12 8HS
TDL/02090 (new)	Malcolm MacPherson 1c Parkend Road Saltcoats KA21 5PL
TDL/02098 (new)	Alasdair Barr 63 Eastern Avenue Largs KA30 9EQ
TDL/02104 (new)	Graeme McKee 27 Sinclair Drive Largs KA30 9BL

NORTH AYRSHIRE COUNCIL

16 May 2018

Licensing Committee

Title:	Taxi and Private Hire Car vehicle specification and inspection standards under the Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5).
Purpose:	To advise the Committee of the Law and its existing Policies.
Recommendation:	<p>That the Committee review these Policies and consider whether or not to approve the attached drafts:</p> <p>(a) "Taxi and Private Hire Car Vehicle Approval Specification" (Appendix 1); and</p> <p>(b) "Guidance – Taxi and Private Hire Vehicle Inspections -Inspection and failure criteria" (existing guidance attached at Appendix 2, with revised guidance copy to follow).</p>

1. Executive Summary

- 1.1 The Council is the Licensing Authority under the Civic Government (Scotland) Act 1982 and licenses the operation of Taxis and Private Hire Cars.

2. Background

- 2.1. Section 10(2) of the Act is:
"A Licensing Authority shall not Grant or Renew a Taxi Licence or Private Hire Car Licence unless they are satisfied that the vehicle to which the Licence is to relate is suitable in type, size and design for use as a Taxi or Private Hire Car, as the case may be, and is safe for that use, and that there is in force in relation to the vehicle such a policy of insurance or such security as complies with Part VI of the Road Traffic Act 1972." (the reference to the 1972 Act, since repealed and replaced by a consolidation Act, is deemed to be a reference to the Road Traffic Act 1988, due to the Interpretation Act 1978, Section 17(2) and the Road Traffic (Consequential Provisions) Act 1988, Section 2).
- 2.2. Section 10(2) applies three standards for vehicles available for public hire: suitability, safety and insurance. Section 10(2) applies at the stage when the Licensing Authority is considering to grant or renew a Licence. The same three standards are applied where the licence-holder applies to the Licensing Authority for consent to the substitution of an alternative vehicle for one already licensed: Section 10(5)

2.3. At the stage where a Licence is granted, these three standards are applied as follows:

- a) The "Taxi and Private Hire Car Vehicle Approval Specification" applies the 'suitability' part of Section 10(2) and 10(5). This allows an operator who is planning to buy a car to check beforehand that the general character of the car (for example, its age and size) would pass the Council's 'suitability' requirements;
- b) The "Guidance – Taxi and Private Hire Vehicle Inspections - Inspection and failure criteria" applies the 'safe' part of Section 10(2) and 10(5). An operator who proposes to use a vehicles under a Licence will present it for inspection to the Council garage in Kilwinning. It might happen that a vehicle which had met the Specification might still fail this inspection, since the Specification deals with vehicles in general, whereas the Inspection looks at the particular vehicle according to standards set by the Council. If a vehicle fails, the operator has the choice of re-submitting it for a further Inspection, or withdrawing it.
- c) The 'insurance' part of Section 10(2) and 10(5) is verified by the Licensing staff in Irvine. The Applicant or Licence-Holder produces evidence of suitable insurance cover - usually a Cover Note for a Policy covering 'hire or reward'.

2.4. These 3 requirements operate together as follows:

- a) If an Applicant's vehicle meets all three requirements, it is likely that the Application to Grant, Renew or Substitute will be granted by a Council Officer under Delegated Powers, without reference to the Licensing Committee (subject to any Police representation or issue with Committee Policy);
- b) If a vehicle is proposed to be used under a Licence which does not meet the Specification (so that the vehicle appears not to be 'suitable'), the Application to Grant, Renew or Substitute will be referred to the Licensing Committee. As with any Policy, it is always open to a person affected by it to ask the Council to treat the particular case as an exception to the Policy. Unless and until the Licensing Committee makes a decision in favour of the proposed vehicle, the vehicle cannot be used under a Licence. Decisions to make an exception to the Policy, and/or to vary it for the future, are reserved to the Licensing Committee. They are not things that can be done by any Council officer with delegated powers;
- c) If a vehicle is proposed to be used under a Licence which does not meet the "Inspection and failure criteria" or the insurance requirements, the Application is unlikely to be referred to Committee. It may be referred to the Committee for the purpose of refusal - Committee involvement is necessary as a decision to refuse is beyond officers' Delegated Powers.

- 2.5. During the currency of the Licence, the vehicle is subject to periodic re-inspection. The details are set out in the Specification, but the general effect is that a vehicle up to 5 years old (counted from its First Registration) should be inspected every 12 months, and a vehicle over that age needs more frequent inspections, every 6 months.
- 2.6. There are also continuing requirements. The Specification states that it is a condition of any Licence granted that the vehicle will at all times be used according to the Specification. For example, there is a condition requiring that, during hire, hatchbacks must operate only while the rear seats are vertical and locked. Other continuing requirements are applied by Licence Conditions (for example, the requirement that the vehicle be kept clean
- 2.7. Under Section 11 the Council's Authorised Officer (Civic Licensing Standards Officer) may require a Licence-Holder to present a vehicle for inspection at the Council garage, and suspend the Licence until the vehicle passes. This power might be used, for example, where the Officer believes that a Taxi or Private Hire Car has been involved in an accident.
- 2.8. The Council has had such a Specification for many years and this has been reviewed regularly over recent years, last on 28 September 2016. This Specification has been drafted after having regard to the Scottish Government Guidance "Taxi and Private Hire Car Licensing: Best Practice Guidance for Licensing Authorities", Second Edition, April 2012). This includes:

"Vehicle testing

5.5. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be seen as best practice:

Frequency of tests. The legal requirement for taxis requires that they should be subject to an MOT test or its equivalent one year after first registration and annually thereafter. For private hire cars annual MOT testing should commence after the vehicle is three years old. Notwithstanding MOT requirements, authorities generally undertake inspection of taxis and private hire cars at first licensing and annually or more frequently thereafter. This approach is considered best practice in the interests of public safety. Annual testing for licensed vehicles regardless of age is considered best practice although more frequent testing may be appropriate for older vehicles (see 'age limits' below)."

The draft Specification is not over-prescriptive. It does not limit operators to particular makes or models. It does not insist on the use of purpose-built Taxis/PHCs, or exclude the use of Multi-Purpose Vehicles (both of which restrictions would be contrary to the recommendations in the Guidance: Paragraph 5.2).

- 2.9. Comparing the present draft Specification with the Specification as last approved by the Committee, the main change is that the draft omits a list of makes and models of vehicles. This list was established with a view to assisting the Trade to identify those makes and models of vehicles which were likely to meet the Specification. Although the current Specification makes it clear that the use of vehicles on the list is not mandatory, the Licensing staff have found that occasionally individual members of the Trade are confused by it.
- 2.10. The Council's Inspection is in addition to the M.O.T. inspection which is required by the Road Traffic Act 1988, Section 47 and the Road Vehicles (Construction and Use) Regulations, S.I. 1986-1078 as amended. Any vehicle needs a M.O.T. test every 12 months. The first M.O.T. test for a Private Hire Car is due 3 years after First Registration - as with a private domestic car - but the first M.O.T. test for a Taxi is due one year after First Registration.
- 2.11. The M.O.T. standards are not regarded as adequate by themselves for public hire cars, since they will probably experience greater mileage and wear in the periods between M.O.T. tests than other cars which are not used for public hire. An M.O.T. Certificate does not positively establish roadworthiness in any vehicle (whether a private car or a hire-car), but in any case the M.O.T. test is not necessarily focused on the same thing as the 'safety' provision in the Civic Government (Scotland) Act 1982. That Act directs those carrying out the inspection to the vehicle's safety, suitability and insurance "for use as a Taxi or Private Hire Car". The fact that a vehicle is not in such a poor condition that it has failed its MOT does not establish that it is fit for use as a Taxi or Private Hire Car.
- 2.12. The Council's garage has facilities to enable the operator to view the inspection while it is in progress. Operators are encouraged to use these facilities so that, if there is a dispute about a defect, the tester can show it to the operator. If the dispute is not raised at the time, it is possible that the tester will not be available. If a re-test is booked, the operator would have to pay a further booking fee even if the original test outcome is disputed.

3. Proposals

- 3.1 The Committee is invited to discuss and propose amendments to two documents which are attached in draft:
- (a) "Taxi and Private Hire Car Vehicle Approval Specification" and
 - (b) "Guidance – Taxi and Private Hire Vehicle Inspections - Inspection and failure criteria".
- 3.2. The current Specification specifies an engine capacity (paragraph 4) only in relation to vehicles which are solely powered by diesel or petrol engines. Given the increased use of electric and hybrid vehicles, the Specification might be amended. Possible alternative wording is:

"Engines

Data provided by the vehicle's manufacturer is to be used.

- a) vehicles which are solely powered by diesel or petrol engines, or hybrid (electric plus diesel or petrol): if the vehicle was first registered on or after 1 September 2012, the vehicle must be a "1.4 model" or have an engine capacity of at least 1390 cc.. If the vehicle was first registered before that date, it must be a "1.6 model" or have an engine capacity of at least 1590 cc.*
 - b) vehicles which are solely powered by electric engines should (when fully-charged) have a range in urban driving of at least 160 km (100 miles)."*
- 3.3. The Committee should consider the whole draft Inspection criteria, and in particular the following issues:

Page 3:

1. Need for Road Fund Checks:
 - should any part of the Council, whether the Licensing Office or the Garage, check this?
 - if so, who should be responsible?
2. Should the result of a "pass with minor advisory" result in the automatic failure of a Taxi or Private Hire inspection, given that a "pass with minor advisory" result indicates a defect which is not safety-critical at the time of inspection, but is likely to worsen to the extent that it will become safety-critical before the next Inspection.

Page 4:

3. Should the Inspection criteria deal with towing and tow-balls at all? Should there be a requirement that the vehicle should have a safety cover for any tow-ball, and a Licence condition that that cover should be in place when the tow-ball is not in use

Page 6

4. Tyre Tread - should the minimum acceptable tread depth be 2.0 mm (as opposed to the requirement for other vehicles of 1.6 mm) given that vehicles used for public hire will have greater wear than other vehicles?

Page 8

5. Should there be limits on window-tinting? If there were to be limits, the Council garage would have to acquire measuring equipment.

There are limits on window-tinting set by Regulations, but these deal only with front windscreens and front side windows. There are no general rules for the tinting of the rear windscreen or rear passenger windows, and tinted windows are not part of the M.O.T. test, but it would be possible for the Committee to consider that such rules should be applied in the particular case of vehicles used for public hire given the statutory 'safety' requirement. If a window is tinted, this may obscure the driver's and passenger's view outside, and it may inhibit enforcement (for example, the Council's Authorised Officer/CLSO may not be able to see into the car to check if Licence conditions about overcrowding or smoking are being observed).

6. Are the proposals about window being unobstructed, with exceptions for 'permitted signs' covering up to 10% of the area of the window, acceptable?

3.4. Once approved by the Committee, both documents shall be published on the Council website.

4. Implications

Financial:	Vehicle operators will not have substantial additional costs in acquiring and maintaining vehicles to the Specifications and Inspection standards set by the Committee, as the drafts proposed are not substantially different from standards currently used.
Human Resources:	None
Legal:	There are possible legal implications in relation to the refusal of any Application. although those implications do not arise at the stage where the Licensing Authority is setting standards for general use, as opposed to applying them in the case of a particular vehicle.
Equality: Children and Young People:	The Clerk has considered the "Public Sector Equality Duty" in preparing this Report. There are no significant equalities impacts to be considered. None.
Environmental & Sustainability:	None.
Key Priorities:	An effective licensing system, e.g. monitoring the suitability, safety and insurance cover of vehicles used for public hire, helps achieve Priority 4 of the North Ayrshire Council Plan 2015-2020, ("Supporting all of our people to stay safe, healthy and active").
Community Benefits:	Not applicable, as the Report does not relate to tendering or procurement exercises.

5. Consultation

- 5.1 In the absence of a statutory obligation, there is no requirement for consultation where the Licensing Authority reviews a Policy which will only affect the future exercise of its functions. There is no such statutory obligation here.



Elma Murray OBE
Chief Executive

For further information please contact William O'Brien, Solicitor (Licensing) on 01294-324305.

Background Papers

- (a) "Taxi and Private Hire Car Vehicle Approval Specification", and
- (b) "Guidance – Taxi and Private Hire Vehicle Inspections - Inspection and failure criteria".



Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) with effect from 16 May 2018

This applies to both types of hire car ("Taxis" and "Private Hire Cars") except where stated.

It takes into account Licensing Committee decisions, including those of on 23 March 2010, 7 December 2011, 22 August 2012, 25 May 2016, 28 September 2016 and 16 May 2018.

Any vehicle which meets this Specification will be accepted as meeting the "suitability" test required by Sections 10(2) and 10(5).

If a person wants to license a vehicle which does not meet this Specification:

- the request will be referred to the Licensing Committee.
- the use of the proposed vehicle under the Licence is not permitted unless and until the Licensing Committee approve that use.
- the Applicant should give the Committee pictures and specifications published by the manufacturer, and the proposed vehicle (or an example of the type) should be available for inspection at the Council Headquarters in Irvine by the Committee or their staff if they request it.

This Specification does not affect the status of any vehicle which is already covered by a Licence while it is used under that Licence (apart from the Inspection Timetable).

It is a condition of any Licence granted that the vehicle will at all times be used according to this Specification.

Inspection Timetable

1. The age of a vehicle is counted from the "Date of First Registration" (see the V5 document).

2. The vehicle must be under the age of 8 years when first Licensed by North Ayrshire Council. Once a vehicle reaches 8 years old, counted from the "Date of First Registration", it cannot be added to a Licence (whether at the stage of Grant, or on later substitution, or otherwise). If a vehicle has already been Licensed before reaching that age, it can continue to be used as long as it passes the 6-monthly mechanical checks carried out at the NAC garage;

3. Any vehicle, of any age, must get regular mechanical inspection checks at the NAC garage:

(a) if the vehicle is less than 5 years old, the inspection is to be no more than 12 months since the last inspection (except for the first inspection, which is to be no more than 12 months since the inspection which was carried out as part of the Licence Application process);

(b) if the vehicle is 5 years or more old, the inspection is to be no more than 6 months since the last inspection.

Engine Output

4. If the vehicle was first registered on or after 1 September 2012, the vehicle must be a "1.4 model" (meaning that its engine capacity must be at least 1,390 cubic centimetres). If the vehicle was first registered before that date, it must be a "1.6 model" (meaning that its engine capacity must be at least 1,590 cubic centimetres).

Vehicle Size

5. Number of doors - four (not counting any hatchback).

6. Width of rear seat - minimum of 122 centimetres (about 48 inches).

7. Luggage compartment - minimum 0.3115 cubic meters (about 11 cubic feet).

8. Seating capacity - minimum of 4 persons, maximum of 8 persons (in each case excluding the driver).

Use during hire

9. During hire, estate cars must operate only:

(a) while fitted with a safety grille behind the rear seats; and

(b) while the rear seats are vertical and locked.

10. During hire, hatchbacks must operate only while the rear seats are vertical and locked.

Wheelchair Accessible Vehicles

11. If the vehicle is to be used on a Licence:

(a) which was granted on or after 1st October 2016, or

(b) which was granted before that date 2016 and required the use of a "Wheelchair Accessible Vehicle" (WAV),

Paragraph 12 applies.

12. If Paragraph 11 applies:

(a) the vehicle must be Wheelchair Accessible (either side-loading or rear-loading);

(b) the vehicle must be fitted with a lifting mechanism which can raise an occupied wheelchair from ground level without requiring it to be pushed by the driver or anyone else;

(c) the vehicle must have a means of securing the wheelchair against movement once in the vehicle;

(d) the vehicle must have at least one other passenger seat;

(e) the wheelchair must face the vehicle's direction of travel; and

(f) the wheelchair compartment must be glazed on 3 sides.



Guidance – Taxi and Private Hire Vehicle Inspections

Inspection and failure criteria

Version	Owner	Date
1.1	Head of Commercial Services	21/03/2018

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Introduction

North Ayrshire Council, as licensing authority, with respect to the Civic Government (Scotland) Act 1982, is responsible for licensing of the drivers of Taxis and Private Hire vehicles. To comply with licensing conditions, drivers are required to present their vehicles to North Ayrshire Council's Transport Hub for inspection on an annual or six monthly basis.

The purpose of this document is to provide guidance for the Taxi and Private Hire vehicle operators within North Ayrshire and to outline the standards expected for the vehicle inspection. These are carried out by North Ayrshire Council's Transport Hub at the West Byrehill Workshop, Kilwinning.

Vehicle Inspection

Vehicle inspections for Taxis and Private Hire vehicles are required in addition to the M.O.T test and must take place annually, unless the vehicle is older than 5 years old, where inspections will be conducted every 6 months.

Vehicles can be booked for annual or six-monthly inspections by contacting the Council's Licencing Office on 01294 324305. When booking, the operator will need to produce

1. the DVLA Registration Document ("V5")
2. The Insurance cover-note or Policy
3. If the vehicle has one, the M.O.T. certificate (under Road Traffic Act, Section 47, a "Taxi" needs an annual test after the first year since its First Registration, which is different from the rule for a "Private Hire Car".

The Garage Inspection test is required to ensure that licensed vehicles are being maintained to a high standard and fit for use as taxi and private hire vehicles, and is to a higher standard than the M.O.T. test.

The test should not be used to identify faults or as a means to bring the vehicle up to the required standard and do not presume that if the vehicle has or can pass a standard MOT that it will pass the test.

The vehicle condition required to pass the Taxi and Private Hire vehicle inspection is higher than that of a M.O.T test. A list of standards required are contained in pages 4 – 8 but the rule of thumb is that any area within a M.O.T inspection where a "pass with minor advisory" is awarded will result in a failure for a Taxi or Private Hire inspection. DVSA has no involvement in setting these higher standards so any appeal against them will be dealt with by the Authority, not DVSA.

The inspection will extend beyond assessing the mechanical condition and will also cover bodywork condition, cleanliness and suitability to operate as a Taxi or Private Hire vehicle.

All vehicles will be road tested to ensure systems and component parts function properly and the vehicle does not display symptoms indicating serious or otherwise undetected faults, ie steering and suspension. Taxis will undergo a combined meter and road test over a predetermined route from the Testing Station to the meter markers and return.

Testers responsible for inspecting vehicles are experienced professionals and are trained as DVSA Nominated Testers and they are required to use their judgement when conducting an inspection to determine the suitability and safety of vehicles inspected.

Testers will explain defects and advise on the other areas of concern but any disputes as to the test outcomes and failures should be directed to the Workshop Team Manager in the first instance.

Should the vehicle inspection result in a failure, it is the responsibility of the licence holder to arrange any remedial work prior to being presented for a re-test.

In addition to the annual / six monthly inspection, spot checks on vehicle condition may be conducted periodically by an authorised officer of the licensing authority, or by Police, any of whom can remove licence plates and instruct remedial work to be carried out.

In such a circumstance, the vehicle must be represented to Transport Hub at West Byrehill, Kilwinning before approval and return of licence plate will be granted.

Taxis and Private Hire Cars, will be inspected using the current MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing (Class 4) including the following additions and reason for failure.

Additional Inspection Criteria

Lights and Electrical system

Inspection	Reason for Failure
Check operation of all lights and indicators	Lights not working Insecure Not fitted Flickers Cracked lens Insufficient illumination Out of alignment Bulb discolouration Indicator rate of flash too fast (60-120per minute)
Check battery and terminals	Insecure, leaking Corroded terminals
Check engine compartment components	Wiring not secure or insulated Signs of chafing Components insecure

Drivers Compartment and Controls

Inspection	Reason for Failure
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Check driver compartment is clean and in good condition	Dirty/Dusty Contains any rubbish Contains any items likely to interfere with the proper control of the vehicle
Check condition and security of driver's seat & passenger seats	Seat insecure or structurally weakened Padding or covering is seriously deteriorated Seat belts must be operational and in good condition (not structurally weakened)
Check seat adjustment mechanism	Insecure, ineffective
Check steering wheel and drivers controls	Controls inoperative, ineffective, insecure Damage to steering wheel Movement between shaft and steering wheel Excessive radial movement at top of steering wheel Excessive steering shaft end float
Check Horn	Horn control or horn faulty Sound emitted not loud enough to be heard by another road user or pedestrian
Check Speedometer operation	Not working Clearly registering incorrectly
Check the operation of all ventilation equipment and heaters	Heater doesn't emit heat Ventilation not supplying adequate airflow to windscreen or car interior Insecure vents Control mechanism is inoperative

Steering, Drive and Suspension

The steering wheel must be set on the offside of the vehicle.

Inspection	Reason for Failure
Check steering mechanism	Any part of mechanism that is not working correctly, fouling or obstructing movement at wheel rims/brake pipes Dust covers/gators damaged/ not intact
Check Power steering operation and inspect for leaks	Power steering inoperative Leak in system Pipe damaged/ fouling Pump insecure/ drive system defective

Check transmission shafts	Any obvious damage Excessive wear in a shaft bearing Loose or missing flange bolts, flange cracked or loose on the transmission shaft Bearing housing cracked/ insecure Excessive wear in universal joint Deterioration of flexible coupling Damaged, cracked or bent shaft Fouling Dust covers/ gators damaged/ not intact
Check wheel bearings	Excessive free play or “roughness in wheel” that could result in failure
Check suspension (front/ rear)	Incorrect geometry Fracture, displacement or distortion that could affect steering operation
Check shock absorbers (front/rear)	Missing, leaking, potential to detach Condition likely to adversely affect control of vehicle
Wheel alignment	Visible incorrect steering geometry e.g. feathering of tyres
Check clutch operation	Pedal not secure, pedal rubbers worn excessively Excessive wear and/or defective clutch operation

Wheels, Tyres and Brakes

Inspection	Reason for Failure
Check circumference of all wheels/tyres	Different to that specified by taximeter
Check tyre type/size	Incorrect type of tyre (as per manufacturers standard specification) Incorrect tyre size
Check tyre condition	Any obvious damage/faults: Worn Bulge Incorrectly seated Cut(s) Tread depth is less than 2.00 mm. across the width of the tyre
Check wheels	Incorrect size Wheels different from manufacturers specification Any obvious damage to wheel or rim Spare wheel is not full size, or is not a manufacturers recommended space saver wheel Non-matching wheels or wheel trims
Check wheel security	Insecure, loose nuts

Check foot pedal/ hand brake	Operation/condition/ fitment and Performance Any side play Excessive wear/travel Pedal rubbers worn excessively Brake pads friction material - less than 3.0mm Handbrake pawl insecure/ineffective
Check service brake operation	General condition, fitment & performance Failure on brake tester, vacuum, not building.
Check brake pipes	Leaks rust, insecure, fouling.
Check jack and wheel key	There is no appropriate wheel key or jack securely stored

Fuel and Exhaust system

Inspection	Reason for Failure
Check fuel tanks	Not original manufacturers equipment Leaking or insecure Tank condition, free of corrosion
Check (all visible) fuel system components	Unshielded, Overflowing, Leaking Fuel accumulating in/on any fitting or receptacle
Check exhaust system	Insecure, leaking / "blowing", corroded Not standard specification
Smoke emission	Failure to meet specified standards per vehicle type

Vehicle Cleanliness/ Appearance/ Structure

Inspection	Reason for Failure
Check bodywork security/condition	Bodywork damage Bodywork extensively corroded
Check paint finish	Different colours/shades Not to a uniform finish Surface deficiencies i.e. paint runs, peeling Scratched Broken paint surface
Check external cleanliness	Dirty/ Dusty exterior
Check vehicle underside	Not free from road dirt Excess grease Excess oil
Check engine compartment	Dirty, Greasy, Oily Insecure components Defective engine mounting Any leaks

<p>Check passenger compartment is clean and in good condition</p> <p>Check interior upholstery for security, cleanliness and condition</p> <p>Ramps and steps for disabled access</p>	<p>Dirty/Dusty</p> <p>Contains any rubbish</p> <p>Upholstery, trim or headlining is dirty, missing, insecure, torn or in such a condition as to soil clothing or adversely affect passenger comfort</p> <p>Incorrectly/unsafely stowed, insecure, not in good condition, unstable</p>
<p>Check roof mounted "Taxi" sign (doesn't apply to P-H vehicles)</p>	<p>Absent</p> <p>Insecure</p> <p>Fails to illuminate</p> <p>Lettering missing / illegible</p>
<p>Check front and rear "Taxi" plate (Rear only for P-H vehicles)</p>	<p>Not displayed</p> <p>Different</p> <p>Not secure</p> <p>Taxi P.H. stickers incorrectly positioned</p>

Window-Tinting

No window anywhere on the vehicle (including the rear and side windows) should have a level of tinting which is greater than the maximum permissible level of tinting permitted for front-facing windscreens by the Road Vehicles (Construction and Use) Regulations 1986 No. 1078 as amended.

Windows

All windows (including side windows) must be completely unobstructed, except that each window can have one or more notices which both:

- (a) are 'permitted signs' (see below) and
- (b) cover in total no more than 10% of the area of the window.

A 'permitted sign' is one which shows any one or more of these things:

- that the vehicle is a Taxi/PHC
- the name, telephone number, website or email of the Taxi/PHC business
- that the vehicle is available for use by disabled passengers,
- the name of the manufacturer or seller of the vehicle,

or which is legally required.

'Obstruction' includes a see-through transfer.

Doors, windows and visibility

Inspection	Reason for Failure
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Check operation of door opening mechanisms	Inoperative, defective Door seals damaged/ missing
Check door hinges	Worn, insecure
Check door pillars	Insecure, weakened by damage, corroded
Check windows (including view to front and rear)	Any obstruction that limits the view out of front or rear windows Insecure Not made of safety glass Crack, scratch or surface damage, which impairs the drivers vision to the front and rear Tinted out with legal limits Obscured by signs/stickers

Meter Testing

Inspection	Reason for Failure
Check Taxi meter (where fitted), lights, seal and calibration	Incorrect specification Missing or broken seal Failure to illuminate Fails road test Defective

Approved and Non-Approved additional extras

Inspection	Reason for Failure
Check fire extinguishers	Absent Not easily accessible Not properly secured Discharged or lack of pressure charge Damaged Last maintenance check in excess of 12months Not conforming to BS5432
Estate type vehicles only	Dog guard type device not fitted

Road Test

Inspection	Reason for Failure
Steering	Vehicle veers, pulls or steers to left or right when travelling on the straight
Suspension	The vehicle rolls uncontrollably when driven Shock absorbers don't function properly Noise is experienced indicating a serious or otherwise undetected system defect

Brakes	The vehicle veers or pulls to the left or right whilst stopping Vibration or noise is experienced indicating serious or otherwise undetected system fault
Road Wheels	Vehicle judders or vibration or noises experienced indicating serious or otherwise undetected defects

Registration No

Vehicle Make/Model

Mileage

Chassis No.

Plate No.

Meter Make

Engine CC

Condition Security Malfunction Lighting and Ancillary Equipment	Pass	Fail	Comments
1. Front & Rear Lamps (including Fog)			
2. Head Lamps & Head Lamp Aim			
3. Panel Lights, Warning Lights, Switches, Interior Lights			
4. Stop Lights/ Reverse Lights			
5. Hazard Warning and Direction Indicators			
6. Rear Reflectors			
7. Battery Wiring Engine Compartment Components			
8. Passenger Door Safety Lights			
9. Taxi Sign (for hire) Light, Wiring			
10. Meter Lights Seals Calibration			
11. Windscreen (drivers view of road)			
12. Windscreen (cracks/scratches)			
13. Windscreen wipers and washers (F/R)			
14. Horn			
15. Speedometer Operation			
Condition Security Malfunction Steering and Suspension			
16. Steering Wheel			
17. Steering Mechanism System Turning Circle			
18. Power Steering Operation and Leaks			
19. Transmission Shafts			
20. Wheel Bearings			
21. Front Suspension			
22. Rear Suspension			
23. Shock Absorbers (F/R)			
24. Wheel Alignment			
Condition Security Malfunction Brakes			
25. Controls Foot Pedal/Hand Brake			
26. Service Brake System			
27. Hand Brake System			
28. Hand Brake Pan/ Ratchet			
29. Brake Pipes			
Condition Security Malfunction Fuel System			
30. All Visible Fuel System Components			
Condition Security Tyres and Road Wheels and Trims			
31. Tyre Type			
32. Tyre Size			
33. Tyre Condition			
34. Road Wheels and Nut Wheels Trim			
Condition Security Malfunction General			

Licensing Committee

Title:	Landlord Registration under the Antisocial Behaviour etc (Scotland) Act 2004, Part 8
Purpose:	To inform the Committee of Landlord Registration matters.
Recommendation:	<ol style="list-style-type: none"> 1. That the Committee should decide whether or not to make a Resolution excluding the public from the meeting at which this Report and its Schedules is to be considered; 2. For each Application or Review Proposal described in the Schedules: That the Committee should consider each case and: <ol style="list-style-type: none"> (a) Decide whether or not the Application should be granted, or the Relevant Person should be removed from the Register; (b) If appropriate, decide whether or not to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of any house, or to delegate authority to the Clerk to issue such a Notice.

Agenda Item 5

1. Executive Summary

- 1.1 The Licensing Committee has delegated authority from the Council to administer the Council's functions under the Landlord Registration Scheme regulated by the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8.

2. Background

- 2.1 The Clerk has received information set out in the Schedules. This information suggests that there may be a basis for the Committee concluding that the Landlord is not 'fit and proper', and that either the Application should be refused or the Registration already granted should be removed.
- 2.2 The Schedules are marked "Not for Publication" and are excluded from the published Agenda under Local Government (Scotland) Act 1973, Section 50B(2) and (5). This has been done as the Clerk considers that the meeting is likely not to be open to the public while those Schedules are being considered, as they contain "Exempt Information" described in Schedule 7A to the Act. The Schedules are in the background papers given to Committee Members and will be sent to the respective Landlords before the Meeting

3. Proposals

- 3.1 The Committee should consider each case and decide whether or not to grant the Application, or remove the Registration.
- 3.2 If the Committee decides to refuse an Application, or to remove a Registration, and if it is satisfied that the house is presently occupied by a Tenant, it should then decide whether or not to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice' or 'RPN') in respect of any house referred to in the Application or Registration.
- 3.3 If it is are not so satisfied, it may delegate authority to the Clerk to issue a RPN if and when the Clerk is so satisfied. Given that there would be nothing to stop the Landlord receiving Housing Benefit even if he/she was unregistered, the Committee may wish to delegate authority to the Clerk to issue a RPN if the Clerk later receives information that any house which is currently covered by the Registration is occupied by a Tenants

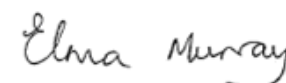
4. Implications

Financial:	If a RPN is issued, the Housing Benefit Office will be informed, so that the Landlord will no longer receive Housing Benefit.
Human Resources:	None.

Legal:	<p>Where the Council makes any decision to refuse or revoke Registration, to make a RPN, or to refuse to recall a RPN, the Landlord may appeal to the Sheriff or the First Tier Tribunal.</p> <p>If the Council issues a RPN, only the Tenant's liability to pay rent will cease. The other rights and obligations of the Lease will be unaffected: Section 94(3) & (8).</p> <p>For example:</p> <ul style="list-style-type: none"> (a) the Tenant will continue to have whatever security of tenure he already had (he cannot be evicted for non-payment of rent where that non-payment is due to the RPN); (b) the Landlord will only be entitled to evict the Tenant if the Sheriff grants a Decree; (c) the Landlord continues to have repairing obligations. <p>If a RPN is revoked by the Sheriff or Tribunal on appeal by the Landlord, the Tenant only has to pay 'arrears' of rent if, and to the extent, ordered. If a RPN is revoked by the Council then 'arrears' are not due (Section 95(3)).</p>
Equality:	The Clerk has considered the "Public Sector Equality Duty" in preparing this report and any specific equalities impacts will be evaluated where appropriate. Unless the Clerk advises the Committee otherwise in a particular case, there are no significant equalities impacts to be considered.
Children and Young People:	None
Environmental & Sustainability:	None.
Key Priorities:	None.
Community Benefits:	Preventing unfit Landlords from operating may contribute to the wellbeing of the community. Preventing Housing Benefit being paid to unregistered Landlords safeguards public funds.

5. Consultation

- 5.1 No consultations are appropriate. Depending on the circumstances, the Schedules contain information supplied by the Police, North Ayrshire Council Directorates, or other agencies.



Elma Murray OBE
Chief Executive

Reference WO'B/PAT

For further information please contact **William O'Brien, Solicitor (Licensing)** on **01294 324305**.

Background Papers

None