

Cunninghame House,  
Irvine.

28 January 2016

## Licensing Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 3 FEBRUARY 2016** at **10.00 a.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**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 Committee held on 9 December 2015 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Civic Government (Scotland) Act 1982: Licensing Matters**

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

- 4. Civic Government (Scotland) Act 1982 - Taxi Stance at Hamilton Street, Saltcoats**  
Submit report by the Chief Executive on the background and their legal powers (copy enclosed).
- 5. Wheelchair-Accessible Vehicles - Taxi and Private Hire Car vehicle specification under Civic Government (Scotland) Act 1982, Section 10(2)**  
Submit report by the Chief Executive on the Committee of the Law and their existing Policy (copy enclosed).
- 6. Urgent items**  
Any other items which the Chair considers to be urgent.

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## Licensing Committee

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Sederunt: Ian Clarkson (Chair)  
Tom Marshall (Vice Chair)  
Robert Barr  
John Bruce  
John Easdale  
Grace McLean  
Catherine McMillan  
Ronnie McNicol  
Donald Reid  
Vacancy

Chair:

Attending:

Apologies:

Meeting Ended:



Licensing Committee  
9 December 2015

**IRVINE, 9 December 2015** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ian Clarkson, Robert Barr, John Easdale, Tom Marshall, Catherine McMillan, Ronnie McNicol and Donald Reid.

**In Attendance**

K. Yeomans, Executive Director, S. McKenzie, Senior Manager (Protective Services) and P. Brennan, Specialist Environmental Health Officer (Noise) (Economy and Communities); W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), D. Robertson, Enforcement Officer, A. Toal, Administrative Assistant and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**Also In Attendance**

Chief Inspector B. Shaw, Inspector B. Skimming and Sergeant G. Griffiths (Police Scotland).

**Chair**

Councillor Clarkson in the Chair.

**Apologies for Absence**

John Bruce and Grace McLean.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Councillors Code of Conduct.

**2. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 18 November 2015 was confirmed, subject to an amendment to include a record of apologies submitted by Councillor Easdale, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Civic Government (Scotland) Act 1982: Licensing Matters**

Submitted 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.

## **Part A: Hearings**

### **3.1 Taxi Driver's Licence: Nicol Harris: TDL/00119 (New)**

The Committee, at its meeting on 18 November 2015, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland Act 1982.

The applicant, having been duly cited to attend, was present and accompanied by a prospective employer. Representatives of Police Scotland were also in attendance.

The representatives of Police Scotland addressed the Committee on the terms of a letter setting out an observation in relation to the applicant. The applicant was invited to address the Committee on the issues raised, but declined to do so. The representatives of Police Scotland and the applicant responded to questions.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

#### **Decision**

Councillor McNicol, seconded by Councillor Reid, moved that the application be refused on the basis that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

As an amendment, Councillor Easdale, seconded by Councillor Marshall, moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

On a division, there voted for the amendment 3 and for the motion 4, and the motion was declared carried.

Accordingly, the Committee agreed to refuse the application in terms of Paragraph 5(1)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds set out in Paragraph 5(3)(a)(ii) of the Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

### **3.2 Taxi Licence: Anton Docherty: TL/125**

The Committee, at its meeting on 18 November 2015, considered the licenceholder's request for the Committee's consent to make a material change under Paragraph 9(2) of Schedule 1 of the Civic Government (Scotland) Act 1982. The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing.

The proposal was to make a material change to Taxi Licence 125 to include the licence-holder's son in the licence, following a partnership agreement entered into between the licence-holder (Claire Docherty) and her son (Anton Docherty), so that they would be joint holders.

Both parties were present, responded to questions, and then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

## **Decision**

Councillor Marshall, seconded by Councillor McMillan moved to grant the material change requested. There being no amendment, the motion was declared carried.

Accordingly, the Committee unanimously agreed to consent to the material change requested under Paragraph 9(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **3.3 Public Entertainment Licence: Irvine Bay Events Limited: PEL/274**

The Committee, at its meeting on 18 November 2015, agreed that an unaccompanied site visit be held prior to any future consideration by the Committee of an application by Irvine Bay Events Limited for a Public Entertainment Licence. The site visit in question took place on 3 December 2015. The application is for a one-year licence, three days per week (Friday to Sunday), 10.00-22.00, with a stated maximum of 2,500 persons to be admitted to the premises at any one time.

The applicant, having been duly cited to attend, was present and represented by Mr Crossan and Mr Watson. Representatives of Police Scotland were also in attendance, together with two representatives of British Polythene Industries PLC (BPI), Mr Harris and Mr Ali.

The applicant addressed the Committee in support of the application and on the issues raised by Police Scotland and objectors (including the objector who was not present). An aerial photograph of the site showing alternative access routes was circulated at the meeting.

Officers of the Council had previously drafted proposed conditions which would apply if the licence were granted, and the applicant's representatives confirmed that these were acceptable and that they would give Police Scotland and the Council's Environmental Health Officer 28 days' notice of any events.

The representatives of Police Scotland addressed the Committee on the terms of a letter setting out an objection in relation to the applicant. Thereafter, Mr Harris for the objector BPI addressed the Committee on the terms of their letter of objection prepared by the company's representatives, Jones Lang LaSalle Limited. The Committee also viewed a DVD submission from another objector with regard to the issue of noise nuisance.

The Council's Executive Director (Economy and Communities), Senior Manager (Protective Services) and Specialist Environmental Health Officer (Noise) also addressed the Committee on the issues raised. The applicant was afforded an opportunity to ask questions of the other parties in attendance.

Thereafter, the applicant, the representatives of BPI, representatives of Police Scotland, and the officers of the Council in attendance responded to questions, before being invited to sum up.

The applicant, representatives of one of the objectors, representatives of Police Scotland, and the officers of the Council who had addressed the Committee on the application, withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

## **Decision**

Councillor Marshall, seconded by Councillor Easdale, moved that the application be granted for a period of one year, subject to (i) its operation being limited to a maximum of 28 days over the course of the year, operating three days per week (Friday to Sunday) between the hours of 10.00 and 22.00 only and (ii) the detailed conditions prepared by officers and previously intimated to the applicant.

Councillor McNicol, seconded by Councillor Barr, moved that the application be refused and the applicant invited to make separate application on an event by event basis.

On a division, there voted for the amendment 2 and for the motion 5, and the motion was declared carried.

Accordingly, the Committee agreed to grant the Public Entertainment Licence for a period of one year, subject to (i) its operation being limited to a maximum of 28 days over the course of the year, operating three days per week (Friday to Sunday) between the hours of 10.00 and 22.00 only and (ii) the detailed conditions, prepared by officers and previously intimated to the applicant, all in terms of the Civic Government (Scotland) Act 1982, Section 41(3) and Schedule 1, Paragraph 5(2).

## **4. Civic Government (Scotland) Act 1982: "No Smoking" Policy and Dress Code Policy**

Submitted report by the Chief Executive on matters relating to the Council's existing "No Smoking" and Dress Code policies imposed as conditions to the grant of Taxi and Private Hire Car Licences in terms of the Civic Government (Scotland) Act 1982.

Condition 3 for taxi drivers and private hire car drivers currently states that "No smoking is permitted in the licensed vehicle. This prohibition relates to both passengers and drivers and applies in the vehicle at all times irrespective of whether or not it is on hire". There is currently no specific reference in terms of the application of this prohibition to e-cigarettes or other vaporising devices.

Condition 4 for taxi drivers and private hire car drivers places obligations in terms of the Dress Code. The report proposed that greater clarity be provided in terms of the type of clothing which is prohibited.

The Committee unanimously agreed (a) that the use of e-cigarettes or other vaporising devices should be regarded as in breach of that condition; (b) that Condition 3 should be amended so that future grants or renewals of Taxi Driver and Private Hire Car Driver Licences should be subject to a condition "No smoking is permitted in the licensed vehicle. This prohibition relates to both passengers and drivers and applies in the vehicle at all times irrespective of whether or on it is on hire. "Smoking" includes the use of e-cigarettes and other vaporising devices"; (c) that officers should publicise the agreed change in approach; (d) in acknowledging that licences already granted would not have the amended condition, that the Enforcement Officer should warn drivers that the Committee would now regard the use of e-cigarettes or other vaporising devices (by passengers or drivers and whether or not the vehicle is on hire) as a breach of the pre-existing condition, and that drivers who have been warned and either use e-cigarettes themselves or allow their passengers to use them may be reported to the Committee; and (e) that a report be submitted to the next meeting of the Committee, recommending amendments to the Dress Code applicable to Taxi Drivers and Private Hire Car Drivers in terms of a detailed list of clothing which will not be permitted.

The meeting ended at 12.30 p.m.



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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 3**

**3 February 2016**

**Licensing Committee**

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**Title:** **Civic Government (Scotland) Act 1982: Licensing Matters**

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**Purpose:** To advise the Committee of (a) Hearings to be determined; (b) applications for the grant or renewal of licences and permits; and (c) issues arising in respect of existing licences, all in terms of the Civic Government (Scotland) Act 1982.

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**Recommendation:** That the Committee considers and determines the matters before it.

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**1. Executive Summary**

1.1 In terms of the Civic Government (Scotland) Act 1982, the Council, as Licensing Authority, requires to determine issues in respect of the grant, renewal or suspension of licences.

1.2. A meeting of a local authority is open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under:

(a) the rule about 'confidential information' (as defined) or

(b) by Resolution.

(Local Government (Scotland) Act 1973, Section 50A, and especially Subsection 50A(4)).

1.3. Under the Resolution procedure, the Committee is entitled to resolve to exclude from the Meeting the press and the public for any one or more items of business on the grounds that otherwise "Exempt Information" of any type described in Part 1 of Schedule 7A to the Act might be disclosed.

- 1.4. The types of "Exempt Information" which may arise during Committee business include those described in Paragraphs 14 and 15 of that Schedule:
- 14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
  - 15. "The identity of a Protected Informant" (where "Protected Informant" is defined in Part III to mean a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance.)
- 1.5. Such a Resolution, once made, continues until the end of the Meeting unless the Committee earlier Resolves to revoke it.

## 2. Background

### Appendix A:

Licences where Hearings have been convened;

### Appendix B:

Applications for the grant or renewal of licences and permits; and

### Appendix C:

Issues in respect of existing licences.

## 3. Proposals

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

## 4. Implications

<b>Financial:</b>	There are possible financial implications in relation to the refusal of any application.
<b>Human Resources:</b>	None
<b>Legal:</b>	There are possible legal implications in relation to the refusal of any application.
<b>Equality:</b>	None
<b>Environmental &amp; Sustainability:</b>	None
<b>Key Priorities:</b>	None
<b>Community Benefits:</b>	None

**5. Consultation**

- 5.1 Consultations have been undertaken with Police Scotland, Strathclyde Fire and Rescue, and the appropriate Council Services.



ELMA MURRAY  
Chief Executive

Reference : PAT

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

**Background Papers**

None



<b>Hearings</b>		
<b>Hearing 1</b>	<b>Taxi Driver's Licence</b>	<b>TDL/00119</b>
<b>Applicant and Address</b>	Hugh <b>Rodgers</b> 45 Lugton Court Irvine KA12 8ER	
<b>Hearing 2</b>	<b>Taxi Driver's Licence</b>	<b>TDL/01168</b>
<b>Applicant and Address</b>	Paul <b>McPherson</b> 10 Birkscairn Place Irvine KA11 1ED	
<b>Hearing 3</b>	<b>Taxi Driver's Licence</b>	<b>TDL/01810</b>
<b>Applicant and Address</b>	David <b>Logan</b> 26 Girdle Gate Girdle Toll Irvine KA11 1BN	
<b>Hearing 4</b>	Charles <b>Stewart</b> 1 Geirston Road Kilbirnie KA23 7LF	



<b>Applications for Licences/Renewal of Licences</b>		
<b>Type of Licence/Reference Number</b>	<b>Details of Applicant</b>	<b>Comments</b>
<b>LHCL/121 (New)</b>	<b>Wm Morrison Supermarket PLC</b> Hilmore House Gain Lane Bradford BD3 7DL	
<b>Premises</b>	4 Irvine Road Largs	
<b>LHCL/120 (New)</b>	<b>Wm Morrison Supermarket PLC</b> Hilmore House Gain Lane Bradford BD3 7DL	
<b>Premises</b>	Hawkhill Farm Kilwinning Road Stevenston	



<b>Issues in Respect of Existing Licences</b>		
<b>Case 1</b>	<b>Taxi Operator's Licence</b>	
<b>Licenceholder and Address</b>	<b>Kevin Blades</b> 15 Dale Crescent Irvine	



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## NORTH AYRSHIRE COUNCIL

### Agenda Item 4

3 February 2016

#### Licensing Committee

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**Title:** Civic Government (Scotland) Act 1982 - Taxi Stance at Hamilton Street, Saltcoats.

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**Purpose:** To inform the Committee of the background and their legal powers

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**Recommendation:** That the Committee:

(a) should decide whether or not to revoke the Stance appointment;

(b) if the Committee decide to revoke the appointment, to request the Chief Executive to make appropriate alterations to signs or road markings

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#### 1. Executive Summary

1.1. Taxi Stances are appointed by the Council (as Licensing Authority, not as Roads Authority) under Civic Government (Scotland) Act 1982, Section 19. The Council has powers, not duties. For example, where a Stance is temporarily unusable because of road-works, the Council is not obliged to set up an alternative.

1.2. Only Taxis may use appointed Stances. Drivers of other vehicles (including 'Private Hire Cars') face prosecution under Section 21(7):

*"If any person, without reasonable excuse, causes or permits any vehicle other than a Taxi to wait on any Stance for Taxis during any period for which that Stance has been appointed by a Licensing Authority under section 19 of this Act, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 2 on the standard scale." (i.e. £500)*

1.3. There is a distinction between:

(a) Council Stances which are appointed by the Council

(b) Private Stances (these are on private ground and Taxis stand there by arrangement between the land-owner and Taxi Operators. The Council has no involvement).

A Council can also appoint Stances on private ground, but only with the consent of the land-owner. There are no Stances like this in NAC.

The Section 21 offence only applies to Council-appointed Stances.

## **2. Background**

2.1. The Act permits the Licensing Authority to do 4 things:

- (a) appoint a Stance (Section 19(1))
- (b) vary the number of Taxis permitted (Section 19(3))
- (c) alter the position of such Stances (Section 19(3))
- (d) revoke the appointment (Section 19(3))

2.2. All of these require consultation with Taxi operators or representative organisations. No other intimation of the proposal or publication is required, since the provision requiring public notice (Section 19(4)) relates only to actions (a) and (b), and not (c) or (d). Anyone receiving intimation may make written objections or representations within 28 days.

2.3. The procedure commenced at the Committee's meeting on 12 August 2015. The Committee agreed to

- (a) support the proposal to revoke the appointment of the Taxi Stance at Hamilton Street, Saltcoats; and
- (b) instruct the Solicitor (Licensing) to commence the statutory procedure for intimating the proposal.

2.4. The Committee decided that it was appropriate to give wider notice of the proposal, and to invite public comment on the proposal. Accordingly, in addition to writing to Licence-Holders in the relevant Zone, a suitable notice appeared on the NAC website and Twitter account. These things were all done by 7 December 2015. The Committee Report had appeared on the NAC public website as usual, and the Minutes were later published there.

## **3. Proposals**

3.1. As over 28 days have passed since public advertisement, the Council can now continue and make a decision.

#### 4. Implications

<b>Financial:</b>	There will be financial implications if the Roads Department require to carry out any works to signs or road markings.
<b>Human Resources:</b>	None
<b>Legal:</b>	The Court of Session would be unlikely to entertain an objection from an person who had failed to state an objection to the Licensing Authority
<b>Equality:</b>	An "Equality Impact Assessment" is not necessary as the Equality Act 2010 is only one consideration in making a Licensing decision. The Committee should consider whether or not the proposed decision would have any effect on the provision of Taxi services for Disabled people
<b>Environmental &amp; Sustainability:</b>	None
<b>Key Priorities:</b>	None
<b>Community Benefits:</b>	Not applicable, as the Report does not relate to tendering or procurement exercises.

#### 5. Consultation

5.1 Consultation has been carried out according to the statutory requirement.



ELMA MURRAY  
Chief Executive

Reference : WO'B  
For further information please contact William O'Brien, Solicitor (Licensing)  
on

#### **Background Papers**

None



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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 5**

**3 February 2016**

**Licensing Committee**

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**Title:** **Wheelchair-Accessible Vehicles - Taxi and Private Hire Car vehicle specification under Civic Government (Scotland) Act 1982, Section 10(2)**

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**Purpose:** To advise the Committee of the Law and their existing Policy

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**Recommendation:** That the Committee review their vehicle specification

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**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.

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."*

**2. Background**

2.1. There are therefore 3 requirements that a vehicle must meet before it can be used as a Taxi / PHC:

- (a) it must be suitable
- (b) it must be safe
- (c) it must be insured

2.2. Similar requirements apply if the operator wishes to substitute a different vehicle for the one licensed: Section 10(5).

2.3. This Report concerns requirement (a) - suitability. Requirement (b) is monitored by the NAC garage - a vehicle must pass a mechanical inspection before the Licence is issued or renewed, and periodically during the Licence's life. Requirement (c) is monitored by the Licensing Office, as the Licence-Holder must produce insurance documentation.

2.4. NAC has a 'Vehicle Specification', which sets standards which a vehicle must meet, e.g. setting engine capacity. This has been changed from time-to-time, last on 22 August 2012.

2.5. The current 'Vehicle Specification' is attached. One of the requirements is:

*"The proposed vehicle: ...*

*b) must be a "Wheelchair Accessible Vehicle" (WAV):*

*(i) If it is a "Taxi", it must be side-loading;*

*(ii) If it is a "Private Hire Car", it does not have to be side-loading - it can be rear-loading or side-loading."*

2.6. There are two aspects to consider with Section 10(2):

(a) The word used is 'shall'. Unlike many other provisions in the 1982 Act, where a Council 'may' do such-and-such, if a Council consider that a vehicle fails any of the three requirements (a), (b) or (c), the Council has no discretion: the Application must be refused;

(b) The phrase "they are satisfied" is to be emphasised. The decision is given to the particular Licensing Authority, no-one else. The Courts acknowledge this and recognise that there is a 'band of reasonable decisions'. A Court might reject an Appeal against one Council which had a Specification permitting a vehicle type or feature, while also rejecting another Appeal where the Council prohibited that vehicle or feature.

2.7. Scottish Ministers are entitled to make Regulations (applicable across Scotland) on the question of "suitability" (Section 20A) and would do so if they wanted the same Vehicle Specifications all over Scotland. However, no such Regulations have been made and Scottish Ministers leave the matter to individual Licensing Authorities.

### **3. Proposals**

3.1. A prospective Operator of a Taxi has proposed a rear-loading vehicle for use as a Taxi, and he has requested a Hearing. An example of the type of vehicle he proposes will be brought to Council Offices in Irvine for Members to inspect. The same Operator asked the Licensing Committee to permit this, at their meeting on 22 August 2012, and the Committee refused.

3.2. In the past the Committee has regarded safety as a major consideration justifying the exclusion of rear-loading WAV Taxis. Considerations have included:

(a) the wheelchair has to be on the road surface itself when being loaded or unloaded:

(i) being at the level of other vehicles exposes the wheelchair user and any helper to danger; this is particularly an issue with Taxis, which sit at Stances and where other Taxis are likely to be present;

(ii) the wheelchair user may be unable to move on and off the kerb;

(iii) the ramp has a steeper gradient so is more difficult to use (the passenger must be raised a greater vertical distance than if the ramp was on the pavement);

(iv) it may be impractical to lower the ramp since Taxis may park close to each other;

(b) in a rearward collision:

(i) the passenger is more likely to be injured, being seated in the 'crumple zone';

(ii) the passenger is more likely to be trapped, as the only available exit door may be damaged or blocked.

3.3. Comparison with ambulances, PHCs and Motability cars is not appropriate for Taxis. Whereas, with an ambulance, PHC or Motability car there is a single vehicle and the driver can choose where to park to leave room for passenger access, this cannot be assured with Taxi Stances, where there are typically several vehicles parked close together. A driver might find that the rear-ramp could not be used because there were other Taxis parked behind. The possibility of disagreements between drivers cannot be discounted. If a wheelchair passenger wanted to use a Taxi but its ramp could not be lowered, the passenger would be unable to use the Taxi, whereas a passenger who was not in a wheelchair would have no difficulty.

3.4. The Equality Act 2010 places a general duty on public bodies such as Local Authorities to advance the equality of opportunity of people with 'protected characteristics', such as disabled people. However, this is not the only consideration. The Council should also consider the suitability and safety of the vehicle having regard to the kind of persons likely to be in it (Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(3)(c)).

3.5. The Vehicle Specification is a Policy, so (as with any Policy), it is possible both:

- (a) that the Policy might be reviewed overall, and
- (b) that the Committee may agree on a case-by-case basis to make an exception.

The Policy does not determine an Application, and any Application must be considered on its merits.

3.6. A Licensing Authority is entitled to have a Policy and to require adherence to it, provided that the possibility of making an exception is always possible. In a Policy case the Court of Session said:

*"The general aims of a policy are of course important, and it is not an end in itself. But in laying down its policy, the Council has chosen, as it is entitled to do, a particular way of achieving these general aims. Even if some course of conduct inconsistent with the policy can also be regarded as consistent with, or likely to achieve, these aims, the council remains entitled, in our opinion, to require conformity with the policy, in the absence of any positive or specific justification for departing from it. When a policy has been promulgated, the requirement not to apply it rigidly, and to consider each case on its merits, does not entitle those who are within the scope of the policy to have their cases considered in isolation and as if there were no policy." ( Ahmed v North Lanarkshire Council, 1999 SLT 1064 at 1067)*

#### 4. Implications

<b>Financial:</b>	There are possible financial implications in relation to the refusal of any application.
<b>Human Resources:</b>	None
<b>Legal:</b>	There are possible legal implications in relation to the refusal of any application.
<b>Equality:</b>	An "Equality Impact Assessment" is not necessary as the Equality Act 2010 is only one consideration in making a Licensing decision.
<b>Environmental &amp; Sustainability:</b>	None
<b>Key Priorities:</b>	None
<b>Community Benefits:</b>	Not applicable, as the Report does not relate to tendering or procurement exercises.

## 5. Consultation

There is no requirement for consultation where the Licensing Authority adopts or reviews a Policy, but the Licensing Authority may choose to consult first.



ELMA MURRAY  
Chief Executive

Reference : WO'B

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

### **Background Papers**

None





### **VEHICLE SPECIFICATION FOR TAXIS AND PRIVATE HIRE CARS**

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 and 22 August 2012.

1. The age of a vehicle is counted from the "Date of First Registration" (see the V5 document).
2. 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) once a car reaches 5 years old, the inspection is to be no more than 6 months since the last inspection.
3. This applies to any vehicle which is proposed for use under a Licence, both
  - a) if the vehicle is to be covered by the Licence from the start, or
  - b) it is proposed as a substitute for a vehicle which is already licensed.

**The proposed vehicle:**

- a) must not be over the age of 8 years when first licensed by NAC; once it is licensed, it can continue to be used as long as it meets the 6 monthly mechanical checks carried out at the NAC garage.
- b) must be a "Wheelchair Accessible Vehicle" (WAV):
  - (i) If it is a "Taxi", it must be side-loading;
  - (ii) If it is a "Private Hire Car", it does not have to be side-loading - it can be rear-loading or side-loading.
4. Engine Capacity - minimum 1.6 model
5. Number of doors - four, or in the case of hatchbacks, five.
6. Width of rear seat - minimum of 122 centimetres (about 48 inches) for saloon, hatchback or estate cars.
7. Luggage compartment - minimum 0.3115 cubic meters (about 11 cubic feet).
8. Seating capacity - minimum 5 persons including the driver, and a maximum of 8 persons excluding the driver.
9. Estate cars shall be permitted to operate only:
  - a) where fitted with a safety grille complying with the Licensing Authority's specification behind the rear seats; and
  - b) on condition that the rear seats shall be in a vertical position at all times during hire.
10. Hatchbacks - all hatchbacks require to operate with the rear seat in a vertical position at all times during hire.