



Glasgow City Council

Licensing and Regulatory Committee

Report by Director of Legal and Administration

Contact: G McNaught Ext: 74546

Item 2

14th August 2024

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 TAXI DRIVER AND PRIVATE HIRE CAR DRIVER CONDITIONS

Purpose of Report:

To advise Members of the outcome of the Taxi Driver Conditions, Working Group and separately the Private Hire Car Driver Conditions, Working Group.

Recommendations:

Members are asked to:-

- (1) Note the terms of the report;
- (2) Consider approving the revised Taxi Driver Conditions as detailed in Appendix 2;
- (3) Consider approving the revised Private Hire Car Driver Conditions as detailed in Appendix 4; and
- (4) If the revised conditions in relation to (2) and (3) above are approved, to consider the period of implementation for the conditions to come into effect.

Ward No(s):

Citywide: ✓

Local member(s) advised: Yes ☐ No ☐

consulted: Yes ☐ No ☐

1 Background

- 1.1 The Licensing Authority regulates the licensing of Taxis and separately Private Hire Cars under the Civic Government (Scotland) Act 1982 (“the **Act**”). As part of this process, the Licensing Authority can impose conditions on Taxi and Private Hire Car licences for drivers.
- 1.2 In terms of the current conditions attached to a Taxi Driver licence and separately a Private Hire Car Driver licence, these have not been fully reviewed by the Licensing Authority for a period of approximately 10 years.
- 1.3 Members will be aware that while there is no statutory requirement to review conditions attached to a Taxi Driver licence and separately a Private Hire Car Driver’s licence, it is good practice to do so to ensure the conditions attached to a licence remain appropriate.

2 Current Position

- 2.1 In light of the Taxi Driver licence conditions and separately the Private Hire Car Driver conditions last being fully reviewed approximately 10 years ago, the Licensing Section emailed members of the Taxi and Private Hire Car Trade Group, in March 2024, to ask for representatives to join a Working Group to review Taxi Driver licence conditions and separately Private Hire Car Driver conditions. Members of the Taxi and Private Hire Car Trade Group are representatives from the following organisations: Glasgow City Council Taxi and Private Hire Enforcement, Oliver’s Taxis, SSRG, Network Private Hire, North Radio Cars, ADCU, Pacific Cars, Supreme Radio Cars, Thornliebank Cars, Uber, Bolt, West End Radio Cars, Unite the Union, GMB Union, Saltire Private Hire, Hampden Cars, GlasGo, Glasgow Taxis, SEPHWA Scotland, UPHD, Glasgow Taxis, Glasgow Taxi Owners Federation, and Scottish Private Hire Association (SPHA).
- 2.2 Of the above organisations, the Licensing Section received volunteers for the Taxi Driver Working Group from the following organisations: Glasgow Taxis, Unite the Union Glasgow Cab Section, GlasGo, Glasgow Taxi Owners Federation and Glasgow City Council’s Taxi and Private Hire Enforcement Section. In addition, the Licensing Section received volunteers for the Private Hire Car Driver Working Group from the following organisations: Uber, Scottish Ethnic Private Hire Welfare Association (SEPHWA) Scotland, Saltire Private Hire, GMB Union, GlasGo, SPHA and Glasgow City Council’s Taxi and Private Hire Enforcement Section.
- 2.3 There were three meetings of each Working Group. Each Working Group meeting was chaired by the Licensing Legal Manager. Each Working Group meeting took place within the City Chambers on 12 April 2024, 24 April 2024 and 14 May 2024. At the meeting held on 24 April 2024 there was one representative on the Private Hire Car Driver Working Group who attended the meeting via Microsoft Teams. The meetings for each Working Group generated a range of views, with a great deal of respect shown by all representatives for the different perspectives on licensing conditions.

2.4 Representatives of each Working Group were subsequently emailed from the Licensing Section on 23 May 2024 with a copy of a tracked changes document which showed the current Taxi Driver or separately Private Hire Car Driver conditions together with the proposed revisions, on the same document, and separately a "clean" document which provided the Working Group representatives with the proposed revised conditions which would be put before this Committee for consideration. The representatives were given until 31 May 2024, by the Licensing Section, to provide any further comments on the proposed revised conditions. No comments were received from the trade representatives seeking any further amendments to the proposed revised conditions for either a Taxi Driver licence or separately a Private Hire Car Driver licence. One comment was received to condition 5 of the Private Hire Car Driver conditions from Glasgow City Council's Taxi and Private Hire Enforcement Section. The words "*unless otherwise stated by the Licensing Authority*" have been inserted to reflect the comment received.

2.5 The current conditions for a Taxi Driver licence can be viewed at Appendix 1 to this report. The proposed revised conditions, as drafted by the Taxi Driver Working Group, can be viewed at Appendix 2. Members should be aware that the main changes to a Taxi Driver licence conditions are in relation to the following:

- The driver displaying the badge (location) within a Taxi;
- The driver taking the hirer to the destination by the most cost effective route;
- Circumstances in which a driver does not have to convey a hirer or passenger;
- Reflecting the requirements of a driver under the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022;
- How a driver should behave;
- The removal of the requirement for a driver to surrender identification badge within 3 months of the licence expiring or ceasing to be employed;
- Requirements on a driver when there has been a change to the driver's address and/or change to the driver's medical condition, or developing a medical condition, to notify the Licensing Authority;
- Reference to an Exemption Certificate from Carrying Assistance Dogs;
New conditions 23 to 35 which include:
- CCTV, to mirror the requirements on a driver under the Licensing Authority's Installation and Use of CCTV Systems in Licensed Taxis and Private Hire Cars;
- A requirement on the driver to check that the correct identification plates or other items to identify the vehicle as a Taxi, issued by the Licensing Authority, are displayed on the vehicle;
- That the driver cannot carry out any modifications to the Taxi or display any advertising on the Taxi unless such has been approved by the Licensing Authority;

- That the driver shall not obstruct an authorised officer of the Licensing Authority or police officer from carrying out their lawful duties under the 1982 Act; and
- Taxi Stance Code of Conduct, to mirror the requirements on the driver under the Licensing Authority's Taxi Stance Code of Conduct.

2.6 The current conditions for a Private Hire Car Driver licence can be viewed at Appendix 3 to this report. The proposed revised conditions, as drafted by the Private Hire Car Driver Working Group can be viewed at Appendix 4 to this report. Members should be aware that the main changes to a Private Hire Car Driver licence conditions are in relation to the following:

- The driver displaying the badge (location) within a Private Hire Car;
- The driver taking the hirer to the destination by the most cost effective route;
- Circumstances in which a driver does not have to convey a hirer or passenger;
- Reflecting the requirements of a driver under the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022;
- How a driver should behave;
- The removal of the requirement for a driver to surrender identification badge within 3 months of the licence expiring or ceasing to be employed;
- Requirements on a driver when there has been a change to the driver's address and/or change to the driver's medical condition, or developing a medical condition, to notify the Licensing Authority;
- Reference to an Exemption Certificate from Carrying Assistance Dogs;
New conditions 21 to 29 which include:
- CCTV, to mirror the requirements on a driver under the Licensing Authority's Installation and Use of CCTV Systems in Licensed Taxis and Private Hire Cars;
- That the driver cannot carry out any modifications to the Private Hire Car or display any advertising on the Private Hire Car unless such has been approved by the Licensing Authority;
- That the driver shall not obstruct an authorised officer of the Licensing Authority or police officer from carrying out their lawful duties under the 1982 Act;
- That a driver shall not wait on a licensed taxi rank to seek work;
- A requirement on the driver to check that the correct identification plates or other items to identify the vehicle as a Private Hire Car, issued by the Licensing Authority, are displayed on the vehicle; and
- A requirement on the driver when a booking is received within the Licensing Authority, for a passenger within this area, to be transported out with the Licensing Authority area.

- 2.7 If Members were to approve the revised conditions, Members should consider whether there should be an implementation period for introducing the conditions for Taxi Driver licence grant applications and separately Private Hire Car licence grant applications, together with renewal applications for each type of licence.

3 Policy and Resource Implications

Resource Implications:

Financial: None

Legal: The Licensing Authority can determine conditions for Taxi Driver licences and separately Private Hire Car licences, under the Civic Government (Scotland) Act 1982.

Personnel: None

Procurement: None

Council Strategic Plan: Not Applicable

Equality and Socio-Economic Impacts: Not Applicable

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.

What are the potential equality impacts as a result of this report?

Please highlight if the policy/proposal will help address socio-economic disadvantage.

Climate Impacts: Not Applicable

Does the proposal support any Climate

Plan actions? Please specify:

What are the potential climate impacts as a result of this proposal?

Will the proposal contribute to Glasgow's net zero carbon target?

Privacy and Data Protection Impacts

Are there any potential data protection impacts as a result of this report?

No

If yes, please confirm that a Data Protection Impact Assessment (DPIA) has been carried out.

Not applicable

4 Recommendations

Members are asked to:-

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- (3) Consider approving the revised Private Hire Car Driver Conditions as detailed in Appendix 4; and
- (4) If the revised conditions in relation to (2) and (3) above are approved, consider the period of implementation for the conditions to come into effect.