

REPORT TO: POLICY AND RESOURCES COMMITTEE - 24TH AUGUST, 2015
REPORT ON: TAXI AND OTHER CIVIC GOVERNMENT LICENSING ENFORCEMENT
REPORT BY: HEAD OF DEMOCRATIC AND LEGAL SERVICES
REPORT NO 267-2015

1 PURPOSE OF REPORT

1.1 To provide information on a review of the arrangements for enforcement of taxi and other civic government licensing following the enactment of the Air Weapons and Licensing (Scotland) Bill.

2 RECOMMENDATIONS

2.1 It is recommended that:-

- (a) Council staff carry out the enforcement duties currently being carried out by Police Scotland with effect from 1st April, 2016;
- (b) Two Civic Licensing Standards Officers be appointed to carry out these duties and the enforcement of all other licensing requirements under the Civic Government (Scotland) Act 1982 (the 1982 Act);
- (c) These two officers also be appointed as Licensing Standards Officers under the Licensing (Scotland) Act 2005 (the 2005 Act) bringing the number of such officers to four, these four officers eventually being multi-functional and remaining within the Environment Department;
- (d) The Director of Environment be authorised to proceed with recruitment and preparations of structures, pay scales, etc.

3 FINANCIAL IMPLICATIONS

3.1 All costs will be met from licence fees levied under the 1982 Act.

4 BACKGROUND

4.1 Police Scotland currently carry out the enforcement of taxi licensing. They also interview applicants for licences and administer the knowledge test for new taxi drivers and investigate complaints made against drivers and operators.

4.2 The Air Weapons and Licensing (Scotland) Bill is currently being debated in the Scottish Parliament and is expected to become law by 2016.

4.3 The Act will place a duty on Councils to employ at least one Civic Licensing Standards Officer. The duties of this post will be similar to those carried out by Police Scotland in regard to taxis but will also extend to all other licences issued under the 1982 Act such as Late Hours Catering, Second Hand Dealers and Window Cleaners. In light of this forthcoming statutory requirement, together with the circumstances set out in Paragraphs 4.4 to 4.6 below, it is proposed that a new enforcement regime is established.

4.4 The Council currently employ two Licensing Standards Officers who carry out enforcement duties under the 2005 Act in respect of premises licensed for the sale of alcohol.

4.5 Two Police Officers are based in the Cabs Enforcement Office situated at Marchbanks. One is due to retire in February 2016. These posts are fully funded from licence fees in respect of taxis and private hire cars.

- 4.6 Following the retirement of the Administrative Assistant in Cabs Enforcement the majority of duties and budget for this post was transferred to the Environment Department as staff there now provide this support.
- 4.7 It is felt that enforcement of both the 1982 and 2005 Acts would be better served by creating a team of multi-functional officers and that these officers should be based in the Environment Department. These officers would be authorised under both Acts.
- 4.8 This would allow greater flexibility of working, various shift patterns, etc to allow resources to be utilised when needed such as at late hours catering premises, nightclubs and taxi ranks in the evening economy and second hand dealers, window cleaners, etc. who primarily trade during the day.
- 4.9 The costs of this would be met from licence fees for all licences issued under the 1982 Act.

5 POLICY IMPLICATIONS

- 5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6 CONSULTATION

- 6.1 The Chief Executive, the Executive Director of Corporate Services, the Director of Environment and Police Scotland have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

None.

Roger Mennie
Head of Democratic and Legal Services

4th August, 2015