

EAST RENFREWSHIRE COUNCIL

LICENSING COMMITTEE

19 MARCH 2019

Report by Chief Officer – Legal & Procurement

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PAYMENTS AND ADDITIONAL CHARGES - PRIVATE HIRE AND TAXI LICENCE
CONDITIONS AMENDMENT

PURPOSE OF REPORT

1. For the committee to consider possible further action in respect of a private hire driver and to consider the introduction of amendments to licence conditions to address unacceptable practices in relation to payment.

RECOMMENDATION

2. It is recommended that the Licensing Committee:-
- (a) decides if any further action is required regarding the private hire driver who was the subject of the complaint;
 - (b) decides if it is necessary to amend licensing conditions to include a new condition in respect of payments;
 - (c) notes that the additional condition, if agreed, can be applied to all newly granted licences with immediate effect; and
 - (d) requests that the Principal Solicitor carries out the necessary administrative procedures required.

FINANCIAL IMPLICATIONS

3. There are no direct financial implications for the Council. In terms of the 1982 Act, the application fee for licences should cover the cost of the Council's administration.

BACKGROUND

4. An incident occurred in August 2018 which was the subject of a subsequent complaint to the Council regarding a private hire car and driver operating from a booking office in East Renfrewshire.

REPORT

5. A booking was made to transport a group of female students to Newton Mearns in the early hours of the morning following a night out in Glasgow city centre.

It is alleged that one of the passengers vomited in the vehicle during the journey which is alleged to have resulted in the driver of the vehicle reacting in an unpleasant manner towards the passengers.

When all the other passengers had been dropped off, the last remaining young female passenger was driven to her home in Newton Mearns where, in addition to the standard fare, the driver requested payment of a £40 soiling charge. The passenger did not agree that the vehicle had been soiled nor did she have sufficient funds on her.

The passenger refused to make the payment at which point the driver drove away from the passenger's home with the passenger in the car and the doors locked. According to the parents of the passenger, who subsequently complained to the Council, their daughter was placed in a state of fear and alarm by the actions of this driver.

The driver took the passenger to a nearby petrol station to demand that she obtained money from the ATM there. The passenger sought safety in the petrol station shop and the driver eventually drove off without payment but leaving the young female passenger to walk home.

On receipt of the complaint the matter was investigated by the Enforcement Officer. CCTV from the petrol station was obtained and viewed which corroborated the incident. The incident was also admitted by the driver in interview but the driver did maintain that soiling of the vehicle did occur and on checking records with the booking office, no further bookings for that vehicle were taken on that particular night which may corroborate that.

The driver has received a stern warning from the Enforcement Officer regarding his actions on that night but if the committee considers it appropriate, then it may ask for the driver to appear before it to explain his actions and to allow the committee to consider if he remains a fit and proper person to be a private hire driver.

In light of this incident the parents of the passenger have specifically requested that East Renfrewshire Council considers introducing a policy with regard to the demand by taxi and private hire drivers for soiling charges and perhaps for payments in general.

The committee is therefore asked to consider the introduction of the following condition in private hire and taxi driver and operator conditions:-

"Taxi and private hire operators (drivers) must not request payment of a soiling charge unless that payment has been discussed with and accepted by the passenger(s) prior to commencement of the journey. In the event that soiling subsequently occurs, payment may be requested but, if the passenger(s) is/are unable to make payment, then arrangements must be made for payment to be collected at a later date by arrangement with the passenger(s). Under no circumstances are drivers allowed to prevent passengers leaving the vehicle even if payment has not occurred. Drivers must not attempt to forcibly drive passengers to

an ATM or any other location without the prior agreement of the passenger(s). This procedure must also be followed if a fare or any other charge is unable to be paid.”

Should the committee agree to the introduction of the additional condition, this can be applied to all newly granted licences with immediate effect.

RECOMMENDATION

6. It is recommended that the Licensing Committee:-
- (a) decides if any further action is required regarding the private hire driver who was the subject of the complaint;
 - (b) decides if it is necessary to amend licensing conditions to include a new condition in respect of payments;
 - (c) notes that the additional condition, if agreed, can be applied to all newly granted licences with immediate effect; and
 - (d) requests that the Principal Solicitor carries out the necessary administrative procedures required.

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KEY WORDS

Civic Government (Scotland) Act 1982, taxi, private hire, soiling, conditions

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