

Our Ref: IM-FOI-2018-2618
Date: 4 December 2018



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

I would kindly appreciate if you could supply the following information in regards to V division (dumfries and Galloway)

1. What is the policy and rules around stopping taxis for vehicle checks.

In response to the above I can advise that the Civic Government (Scotland) Act 1982 states:

Section 11 (2) of the Civic Government (Scotland) Act 1982:-

An authorised officer of a licensing authority, an authorised civilian employee or a constable shall have power at any reasonable time to inspect and test, for the purpose of ascertaining its fitness, a licensed taxi or private hire car....and if he is not satisfied as to the safety of the taxi or private hire car for the carriage of passengers he may by notice in writing:-

- (a) require the holder of the taxi or private hire licence to make the taxi or private hire car available for further inspection at such reasonable time and place as may be specified in the notice;*
- (b) suspend the licence until such time as an authorised officer of a licensing authority, an authorised civilian employee or a constable is so satisfied.*

2. What are the local policy for tyre tread depth for taxi at time of the stop check.

At an inspection on behalf of Dumfries and Galloway Council, as the local licensing authority, a vehicle with less than 3mm tread on a tyre would be failed as a "Vehicle not fit to operate as a Taxi/Private Hire until defects have been rectified and re-examined".

3. Under what powers are being used to remove a taxi from service for being under 3mm

Please refer to the response provided for question 1. In addition I have provided separately and extract from the Specifications/Schedule of Services, attached to which are the taxi and private hire operator's conditions, which provides relevant information.

All or any correspondence from dumgal council to police Scotland in regards to tyre tread depth of 3mm

Correspondence to police officers from police Scotland in regards to the 3mm tyre tread depth that officers are enforcing.

In this instance I have identified one piece of correspondence that meets your criteria and I have replicated this below. You will note that some information has been redacted from this e-mail and this information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided below:

Section 38 (1) (b) – Personal Information

Information which would identify staff/members of the public whose details are not likely to be in the public domain have been redacted.

The release of this information to a third party would breach the requirements that exists in relation to processing personal information.

This is an absolute exemption and does not require application of the Public Interest Test.

Sent: Tue 16/08/2016 13:26

From: Licencing [REDACTED]@dumgal.gcsx.gov.uk

To: [REDACTED]

CC:

Subject: FW Spot checks.

[REDACTED], email below from [REDACTED] and excerpt from Civic Government (Scotland) Act 1982 as discussed.

Section 11 (2) of the Civic Government (Scotland) Act 1982:-

An authorised officer of a licensing authority, an authorised civilian employee or a constable shall have power at any reasonable time to inspect and test, for the purpose of ascertaining its fitness, a licensed taxi or private hire car....and if he is not satisfied as to the safety of the taxi or private hire car for the carriage of passengers he may by notice in writing:-

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At an inspection on behalf of Dumfries and Galloway Council as the local licensing authority, a vehicle with less than 3mm tread on a tyre would be failed as a "Vehicle not fit to operate as a Taxi/Private Hire until defects have been rectified and re-examined".

Will hear how your meeting goes!

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Kind regards
[REDACTED]

From: [REDACTED] [mailto:[REDACTED]@gmail.com]

Sent: 08 August 2016 13:22

To: Licensing

Subject: Spot checks.

Enough is enough. I have, asked for clear rules from your department on numerous occasions to no avail. Now your colleagues at police Scotland are taking cars off the road for tyres that are perfectly legal but below 3mm. The regulations clearly state that tyres must be above this at point of test. These are spot checks, not tests. Will you please liaise properly with police and operators to inform each other what exactly these rules are. How the hell are we meant to operate under these circumstances?

I would like to launch another official complaint.

The council and police Scotland have no idea themselves as to what exactly these regulations are.

Please inform me if it is police Scotland or the council I launch the complaint with.

Once again I am being accused of petty gripes, when it is obvious to all operators that there is no coordination between governing bodies.

I look forward to a quick and informative response from your department.

Should you require any further assistance please contact Information Management - Glasgow on 01786 895862 quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions. Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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