

The Highland Licensing Committee

Meeting – 31 March 2015

Licensed Taxi Operator – Hugh Hutton
(Ward 22 – Fort William and Ardnamurchan)

Report by the Legal Manager

Agenda Item	8.1
Report No	HLC/023/15

Summary

This Report relates to a licensed taxi operator whose licence is subject to an additional condition requiring him to submit his vehicle for inspection every 5,000 miles or 12 weeks whichever occurs first.

This item is subject to a formal hearing procedure.

1.0 Background

1.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 a licence will be required for the operating of a licensed taxi. A licence for the same issued by the Highland Council is valid for the whole Council Area.

1.2 Mr Hugh Hutton is both a licensed taxi operator and licensed taxi driver with the Highland Council and currently holds the following licences:-

Taxi Driver's Licence: Expires – 6 December 2016

Taxi Operator's Licence: Taxi Plate 23018 – Expires - 29 January 2016

1.3 On 7 October 2014 the Committee considered a complaint from the Council's Trading Standards Service arising from the fact that Mr Hutton had accrued 26 points in terms of the Council's penalty points system for taxi and private hire operators and for failing to maintain his licensed taxi to the standards required by the Council.

1.4 Having considered the Report and heard from both Mr Hutton and Trading Standards, the Committee agreed to impose an additional condition on Mr Hutton's Operator's Licence requiring that he submit the vehicle for inspection every 5,000 miles or 12 weeks whichever occurs first.

2.0 Request for review of the decision

2.1 Mr Hutton has asked if the decision can be reviewed. He advises that he uses the car for personal as well as business purposes and the requirement to present his car for inspection every 5,000 miles or 12 weeks will cause him great hardship. He considers that he will do in excess of 5,000 miles in a 12 week period and estimates that he will require his vehicle to be tested every 5/6 weeks which he cannot afford.

2.2 Trading Standards comment as follows:

1. Mr Hutton is probably driving 1000 miles a week and has only just realised it. Whether these miles are done because he has a hire or because he's using it for personal business doesn't matter as the vehicle has still covered those miles and requires maintenance.

2. If Mr Hutton maintains 1000 miles a week he'll end up submitting the vehicle for Council inspection approximately 10 times in a year costing him £900 before you take into account the cost of repair work required. Submission for inspection every 10,000 miles would be nearer to the 12 weeks scenario. However any leeway allowed should also be shown to the other operators who had similar sanctions imposed and who have not complained to date.

3.0 Process

3.1 On the day that Committee took their decision Mr Hutton offered no comment and did not appeal the Committee's decision.

3.2 The Committee may, at any time, whether or not upon an application made to them by the holder of a licence, vary the terms of a licence on any grounds they think fit.

4.0 Hearing

4.1 Both Mr Hutton and a representative from Trading Standards have been invited to address the Committee in terms of the hearings procedure.

5.0 Recommendation

The Committee is invited to determine, in accordance with the Council's Hearing Procedure, whether or not to review their decision of 7 October 2014 to impose an additional condition on Mr Hutton's Operator's Licence requiring that he submit the vehicle for inspection every 5,000 miles or 12 weeks whichever occurs first.

Designation: Alasdair H Mackenzie, Legal Manager
Date: 11 March 2015
Background Papers: Civic Government (Scotland) Act 1982
Highland Council's Taxi Operator Licence Conditions