

The Highland Licensing Committee

Meeting – 10 May 2016

Agenda Item	7.2
Report No	HLC/ 045/16

Licensed taxi operator – John Fraser - (Ward 20 – Inverness South)

Report by the Principal Solicitor – Regulatory Services

Summary

This report relates to a licensed taxi operator who has been reported for a breach of licence conditions.

This application is subject to a formal hearings 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 John Fraser holds a taxi operator's licence, number 11 520, with the Highland Council which expires on 7 April 2018. Mr Fraser also holds a number of other taxi and private hire car operator's licences in both his name and that of Highlander Cars Ltd., of which he is the sole director. A note of these is contained on the 2nd page for the attached Trading Standards Report.

2.0 Highland Council penalty points system for taxi and private hire operators

2.1 Highland Council (Trading Standards) introduced a penalty points system on 1 July 2006 to assist in the assessment of the level of compliance shown by each operator in relation to conditions 1 and 2 of a taxi operator's licence. When the points on an operator's licence reach 20 or more during a two year rolling period, the operator becomes the subject of a report to the Licensing Committee.

2.2 On 19 April 2016 a report in relation to John Fraser was received from the Council's Trading Standards Service who are responsible for the enforcement of the licensing scheme for taxi/private hire cars and their drivers. A copy of the report received from Trading Standards is attached in Appendix 1. (Members are asked to note that some of the productions referred to in the Trading Standards Report have not been circulated but will be made available at the meeting).

2.3 This report has been submitted due to Mr Fraser accruing a total of 27 points on taxi operator licence, number 11 520 and for failing to maintain his licensed taxi to the standards required by the Licensing Authority.

3.0 Process

3.1 A copy of the report and all attachments has been sent to Mr Fraser who, in terms of Paragraph 4(2) of the Civic Government (Scotland) Act 1982, has been invited to attend and will be provided with an opportunity to be heard by the Committee. A copy of the procedure which will be followed at the meeting has also been sent to Mr Fraser.

4.0 Consideration of action to be taken

4.1 In terms of Section 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 a Licensing Authority may suspend a licence(s) on the following grounds:

- (a) if in their opinion the holder of the licence is no longer a fit and proper person to hold the licence(s);
- (b) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety; or
- (c) a condition of the licence has been contravened.

4.2 If Members are not of a mind to suspend the licence, the Committee could require the operator to present his vehicle for inspection on a more frequent period than the current 6 or 12 months inspection regime, eg. every 3 months. This would allow Trading Standards an opportunity to undertake more regular monitoring of the vehicle.

5.0 Policies and conditions

5.1 The standard taxi operator's licence conditions are relevant to this case and can be accessed via the following link:

http://www.highland.gov.uk/downloads/file/3516/taxi_operator_conditions_of_licence

5.2 In terms of condition 1 of the taxi operator's licence conditions, "the holder of a taxi operator's licence shall ensure that the taxi, including all body work, upholstery and fittings, is maintained in a safe and serviceable condition and, subject to prevailing road conditions, is maintained in a clean condition and of smart appearance".

6.0. Recommendation

The Committee is invited to consider whether any action should be taken against the licence holder as outlined at paras 4.1 and 4.2 above.

Should the Committee be of a mind to suspend the licences, the Committee must specify a reason for the suspension in terms of paragraph 4.1 above.

The Committee must also specify the duration of the suspension and whether it is to be with immediate effect.

Officer Reference: Michael Elsey

Date: 20 April 2016

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1: Highland Council's Taxi Operator Licence Conditions
Trading Standards Report