

Agenda item	9.1
Report no	HLC/011/18

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 6 February 2018

Report title: Application for the renewal of a taxi operator's licence – Douglas Bolt (Ward 19 – Inverness South)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

1.1 This report relates to the application for the renewal of a taxi operator's licence.

This item is subject to a formal hearing procedure.

2. Recommendation

2.2 Members are asked to determine the application in accordance with the Council's Hearings Procedure.

3. Background

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

4. Application

4.1 On 12 May 2017 an application for the renewal of a taxi operator's licence was received from Mr Douglas Bolt.

4.2 In terms of the abovementioned Act the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 11 February 2018. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued to Mr Bolt for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

5. Process

5.1 Following receipt of the application a copy of the same was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Trading Standards Service

5.2 There have been no objections/representations received from Trading Standards.

6. Vehicle inspection

6.1 The vehicle which Mr Bolt has been operating on this licence has had to be removed from service in order for it to undergo mechanical repair. Mr Bolt has indicated that these repairs have taken longer than anticipated but he has confirmed that it should be ready to undergo an inspection on or before 5 February 2018. An update will be provided to Members at the meeting.

6.2 As the vehicle has not yet undergone an inspection to ensure that it meets the Council's required safety and cosmetic standards the Principal Solicitor is unable to issue the licence using delegated powers.

7. Determining issues

7.1 Paragraph 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 states that a licensing authority may refuse an application to grant or renew a licence where:

- (a) the applicant or anyone else detailed on the application is not a fit and proper person;
- (b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;
- (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to

- (i) the location, character or condition of premises or the character or condition of the vehicle or vessel,
 - (ii) the nature and extent of the proposed activity,
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel,
 - (iv) the possibility of undue public nuisance, or
 - (v) public order or public safety; or
- (d) there is other good reason for refusing the application.

If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

7.2 A copy of this report has been sent to the applicant who, pursuant to 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. He has also been advised of the procedure which will be followed at the meeting.

8.0 Policies

8.1 The following policies are relevant to this case:

Standard taxi operator's licence conditions. A copy of these can accessed at <http://www.highland.gov.uk/taxi> or a hard copy can be supplied where requested.

9. Implications

9.1 Not applicable.

Date: 17 January 2018

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982