

Agenda item	7.1
Report no	HLC/043/19

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 6 August 2019

Report title: Application for the grant of a taxi operator's licence – Culloden Ltd. (Ward 17 – Culloden and Ardersier)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

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

This item is subject to a formal hearing procedure

2. Recommendation

2.1 Members are asked to determine the application in accordance with the hearings procedure.

3. Background

3.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 (the "Act") 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 Culloden Ltd. applied for the grant of a taxi operator's licence on 16 November 2018.

4.2 The application was circulated to both Police Scotland and the Council's Trading Standards Service.

4.3 There have been no objections received in relation to the application.

4.4 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 15 August 2019. 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 Culloden Ltd. for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

5. Vehicle

5.1 On their application form Culloden Ltd. advised that the vehicle which was to be licensed was to be confirmed.

5.2 At the time of writing details of the vehicle have not yet been received. Before the licence can be issued the vehicle will require to undergo and pass the Council's taxi vehicle inspection and meter test and all relevant documents will require to be submitted. At present the licence cannot therefore be issued using delegated powers and, as stated in 4.4 above, the period for determining the application is due to expire shortly.

6. Determining issues

6.1 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.

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

6.3 A copy of this report has been sent to the applicants who, pursuant to Paragraph 4(2) of the Civic Government (Scotland) Act 1982, have been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

7. Policies

7.1 The following policies are relevant to this case:

Standard taxi operator's licence conditions. A copy of these can accessed at https://www.highland.gov.uk/directory_record/738739/taxi_and_private_hire/category/501/taxi_and_private_hire or a hard copy can be supplied where requested.

8. Implications

8.1 Not applicable.

Date: 16 July 2019

Author: Michael Elsey

Background Papers: Civic Government (Scotland)Act 1982