

Agenda item	<b>9.1</b>
Report no	<b>HLC/038/20</b>

**THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 8 September 2020

**Report title:** Application for the grant of a private hire car operator's licence – Highlander Cars Ltd (Ward 19 – Inverness South)

**Report by:** The Principal Solicitor – Regulatory Services

**1. Purpose/Executive Summary**

**1.1** This report relates to an application for the grant of a private hire car operator's licence.

**2. Recommendation**

**2.1** 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 (the "Act") a licence will be required for the operation of a private hire car. A licence for the same is issued by the Highland Council and is valid for the whole Council area.

### **4. Application**

**4.1** Highlander Cars Ltd. applied for the grant of a private hire car operator's licence on 11 October 2019.

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

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

**4.5** In terms of the abovementioned Act the Licensing Authority have twelve months (due to temporary amendments to the legislation during the coronavirus period) from receipt of the application to determine the same, therefore this application must be determined by 10 October 2020. 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 Highlander Cars 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 inspection & documents**

**5.1** Following the submission of the application form, the applicants advised that the vehicle which was originally due to be licensed was no longer going to be used. It was requested that the application remain pending until such time as another vehicle was obtained. The applicants have verbally advised that they now have another vehicle, however, this has not yet been confirmed in writing.

**5.2** Prior to licensing the vehicle it will require to be presented, pass an inspection and have the meter tested (if a meter is to be fitted). They will also require to submit satisfactory insurance and MOT certificates.

### **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.

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

**6.2** A copy of this report has been sent to the applicants who have been invited to state their case.

## **7. Implications**

**7.1** Not applicable.

Date: 19 August 2020

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982