

Agenda item	7.1
Report no	HLC/047/21

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 7 September 2021

Report title: Application for the renewal of a taxi operator's licence – Hugh MacLennan (Ward 13 – Inverness West)

Report by: The Acting 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

2.1 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 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 26 October 2020 an application for the renewal of a taxi operator’s licence was received from Hugh MacLennan.

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 No objections or representations have been received in relation to this application.

5.3 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 25 October 2021. 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 MacLennan for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

6. Vehicle

6.1 Mr MacLennan previously advised that he had taken his vehicle off the road and has not operated it as a taxi throughout the pandemic.

6.2 To enable his renewed licence to be issued we require a copy of the insurance and MOT certificate, a copy of which has been requested from Mr MacLennan.

6.3 The applicant has indicated that he is in the process of obtaining these documents however at the time of writing these have still to be received.

7. Determining issues

7.1 Paragraph 5(3) of Schedule 1 of the Act 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 Acting 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 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. Policies

8.1 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.

9. Implications

9.1 Not applicable.

Date: 18 August 2021

Author: Michael Elsey