

Agenda item	10.1
Report no	HLC/025/24

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **26 March 2024**

Report title: **Private Hire Car (PHC) Operator's licence – Taxi 24/7 Ltd
(Ward 18 – Nairn and Cawdor)**

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

1. Purpose/Executive summary

1.1 Summary

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

This item is subject to a formal hearing procedure.

2. Recommendation

- 2.1** Members are asked to determine in accordance with the Council's hearings procedure, whether the licence holder continues to be a fit and proper person to hold a PHC operators' licence and/or whether the carrying out of the activity to which the licence relates is likely to cause a threat to public safety. Upon determining this, members are asked to decide whether any action should be taken against the licence holder in the form of a suspension or revocation of their licence.

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 PHC. A licence for the same is issued by the Highland Council and is valid for the whole Council area.

4. Licence Holder

- 4.1** Taxi 24/7 Ltd hold a PHC operator's licence in respect of licence number 13 11. The licence expires on 28 October 2024.

Mr Kenneth Finnerty is detailed on the licence as being the day to day manager and Mrs Sharon Finnerty is detailed on the application form as being director. Mr Finnerty was recently added as a director to the company.

5. Annual Documentation to be submitted by Taxi and Private Hire Operators

- 5.1** The report has been submitted due to Taxi 24/7 Ltd breaching licence conditions 7.(a) and 7.(c) by failing to submit an up to date private hire insurance certificate for their PHC vehicle in the company name or in their own names as required by the Licensing Authority, see copy of the conditions below:-

7.(a) The holder of a private hire car operator's licence shall hold the vehicle registration document and the certificate of insurance in relation to the private hire car required by the Road Traffic Act 1988. Where more than one name appears on the private hire car operator's licence the vehicle registration document and the certificate of insurance shall be in the name of at least one of the persons whose names appear on the licence.

(c) The holder of a private hire car operator's licence shall exhibit such documents and certificates to an authorised officer of the Council or a Constable when requested to do so.

6.0 Process

- 6.1** A copy of the report has been sent to Mr and Mrs Finnerty 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 and Mrs Finnerty.

7. Consideration of action to be taken

- 7.1** 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.

8. Policies and Conditions

- 8.1** The standard PHC operator's licence conditions are relevant to this case and can be accessed via the following link:

[Private Hire Car Operators Licence | Private Hire Car Operators Conditions of Licence \(highland.gov.uk\)](https://www.highland.gov.uk/private-hire-car-operators-licence-conditions)

If required the Acting Principal Solicitor – Regulatory Services will offer particular advice relating to the above.

9. Implications

- 9.1** Not applicable.

Date: 4 March 2024

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