

Agenda item	10.2
Report no	HLC/026/24

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **26 March 2024**

Report title: **Application for the grant of a temporary private hire car operator's licence – Highlander Cars (Ward 13 – Inverness West)**

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

1. Purpose/Executive summary

- 1.1** This report relates to an application for the grant of a temporary private hire car (PHC) 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 PHC. A licence for the same is issued by the Highland Council and is valid for the whole Council area.

4. Application

- 4.1** On 6 July 2023 an application for the grant of a temporary PHC operator's licence was received from Highlander Cars. Mr John Fraser is detailed on the licence as being the director and day to day manager.
- 4.2** In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 5 April 2024. 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 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 received in relation to this application.

6.0 Vehicle inspection and documents

- 6.1** The vehicle underwent an inspection and meter test for however the correct documentation was not submitted and the applicant was advised that this would require to be amended and re-submitted prior to a licence being issued.

Subsequent to this the applicant advised that the vehicle in which they intended to licence was no longer to be used.

The application was therefore put on hold until the applicant provided details of an alternative vehicle and had this inspected and the relevant documents submitted and approved.

To date no further details have been received from the application and the licence cannot be issued using delegated powers. As indicated in paragraph 4.2 above the period for determining the application is due to expire shortly.

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 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 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.

8. Policies

- 8.1** The following policies are relevant to this case:

Standard PHC 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: 8 March 2024

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