

Licensing Sub-Committee of the Regulatory Committee

10:00am, Tuesday, 26 October 2021

Application for New Taxi Licence – 306 Taxis Ltd

Item number

Report number

Executive/routine

Wards

All

Council Commitments

N/A

Executive Summary

An application to renew Taxi Licence Plate 306 held by L & N Taxi Partnership and a subsequent application to change the day to day manager and partners was received.

A new application was subsequently received with a new applicant seeking to change the ownership of Plate 306 from L & N Taxi Partnership to 306 Taxis Ltd

The legislation does not enable the transfer of a partnership to a company and on grant of the licence the partnership will surrender their licence.

Should the committee decide to grant the licence, it would have no impact on the total number of Taxi Licences 1,316 approved by committee.

Application for New Taxi Licence – 306 Taxis Ltd

1. Recommendations

- 1.1 After hearing from Council officers and the applicant, the committee is asked to:
 - 1.1.1 note from the previous Regulatory Committee decision on 16 March 2018 and the Interim Demand Survey considered by the Regulatory Committee on 21 October 2019 that there is presently no significant unmet demand for taxis in the city;
 - 1.1.2 note that on 8 March 2021 the Regulatory Committee agreed to leave unaltered the current limit of issued taxi licences at 1,316; and
 - 1.1.3 note that there are currently 1,313 licences in effect and agree to grant the licence subject to the surrender of the licence in the name of L & N Taxi Partnership

2. Background

- 2.1 The Council has a policy of limiting the number of Taxi Licences issued within the city, utilising the powers available to it under Section 10 (3) of the Civic Government (Scotland) Act 1982. This power can only be used if the Council is satisfied that there is no unmet 'significant demand' for taxis. The Council is required to keep this position under regular review.
- 2.2 On 17 October 1997 the City of Edinburgh Council's Regulatory Committee adopted new procedures allowing taxi licences held in the names of individual licence holders to be replaced by a new licence in the name of a partnership or limited company including the existing licence holder. As a result, the adoption of this process has created circumstances in which members of the trade buy and sell taxi businesses and in effect taxi plates. It should be noted that, irrespective of the sale of a business, the plate remains the property of the Council and has no intrinsic value. A new owner of the business will be subject to the normal licence application process, including the vetting of suitable applicants, and the potential for the refusal of an application. Applicants may refer Members to the sale price of taxis dropping in price as a result of the policy change, but should be aware that the price is based in part on a calculated risk that the buyer will be able to secure a plate. The restriction in taxi numbers has in effect created this artificial value of the plate.

- 2.3 This application is for the issue of one new Taxi Licence, to replace the existing licence granted to L & N Taxi partnership.
- 2.4 The Council's agreed taxi limitation policy applies, and that number remains at 1,316. There are currently 1,313 taxi licences issued and in effect.
- 2.5 The Committee should note that one further application for a taxi licence is on the agenda for this meeting.

3. Main report

Vehicle Limitation

- 3.1 In order to establish the current level of demand for taxis within the city, regular surveys are carried out to determine whether there is any significant unmet demand. The last full demand survey was carried out by CH2M and was reported to the Regulatory Committee in March 2018. This survey concluded that there was no significant unmet demand.
- 3.2 Additional surveys were commissioned from Vector Consultancy. The most recent of these was completed in March and November 2020 and was reported to the Regulatory Committee on 8 March 2021. The committee agreed that there was no significant unmet demand.
- 3.3 The Regulatory Committee has previously resolved to limit the number of taxis at 1,316. There are currently a limited number of taxi licences available for grant that have not been renewed by existing licence holders. Members should note that grant of this application would not exceed the limitation policy.

History

- 3.4 Taxi licence 306 is currently held by of L & N Taxi Partnership with Alan Duff as the named day to day manager. Following the application to renew the licence an application was subsequently received advising that the partnership was changing and named Jan Janacek as the new day to day manager. This application has still to be determined.
- 3.5 Following receipt of the application to change the day to day managers a further new application was received seeking transfer of Plate 306 to 306 Taxis Ltd with Jan Janacek as the named day to day manager.
- 3.6 The Civic Government (Scotland) Act 1982 does not allow for the transfer of a licence from one licence holder to another. The new application in the name of 306 Taxis Ltd seeks to resolve this anomaly in the "1982 Act" following the purchase of the L&N Partnership by Jan Janacek who wishes to hold the licence in the name of 306 Taxis Ltd.
- 3.7 Should the committee be minded to grant the new licence application in the name of 306 Taxis Ltd it is the intention of L & N Taxi Partnership to surrender their existing licence.

4. Measures of success

- 4.1 Not relevant, as decisions on individual licences have to be considered on their own merits.

5. Financial impact

- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2021. The committee should note that the Licensing Refunds Policy will apply in this case, should the application be unsuccessful or be withdrawn.

6. Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The applicant has a right of appeal against any decision made. The appeal lies to the Sheriff Court.

7. Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report.

8. Sustainability impact

- 8.1 Any increase in the taxi fleet by increasing the number of licences issued may have an impact on the environment within the city, potentially including levels of pollution.

9. Consultation and engagement

- 9.1 None.

10. Background reading/external references

- 10.1 Report from CH2M (Regulatory Committee March 2018).

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11. Appendices

11.1 Appendix 1 - Application for new Taxi Licence