

Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 6 September 2022

Application for New Taxi Licence – TBC2 Edinburgh Ltd

Item number	
Report number	
Executive/routine	
Wards	Citywide
Council Commitments	N/A

Executive Summary

An application for a new Taxi Licence has been received from TBC2 Edinburgh Ltd.

This application pre-dates the changes to process for dealing with new taxi licences which were agreed by the Regulatory Committee on 28 February 2022.

Should the Committee decide to grant this licence, it would bring the total number of Taxi Licences in effect to 1,279.

Application for New Taxi Licence – TBC2 Edinburgh 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 21 March 2021 and endorsed by the Regulatory Committee on 28 February 2022 that there is presently no significant unmet demand for taxis in the city;
 - 1.1.2 note further that at said meeting on 28 February 2022 the Regulatory Committee agreed to leave unaltered the current taxi limitation number of 1,316 licences; and
 - 1.1.3 note that there are currently 1,278 taxi licences issued and in effect and agree to grant the application for a new taxi licence to TBC2 Edinburgh Ltd, noting that issue of the said licence will be subject to a compliant vehicle being presented at the Taxi Examination Centre and passed as suitable for use as a taxi by a date to be determined by the Committee if minded to grant.

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 ('the Act'). 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 This application is for the issue of one new Taxi Licence.
- 2.3 The Council's agreed taxi limitation policy applies, and that number remains at 1,316. There are currently 1,278 taxi licences issued and in effect.
- 2.4 The Committee should note that one further application for a taxi licence is on the agenda for this meeting, which if also granted would bring the number of licences in effect to 1,280.

3. Main report

- 3.1 The Regulatory Committee has previously resolved to limit the number of taxis at 1,316. There are currently 1,278 taxi licences issued and in effect. Members should note that grant of this application would increase the number of licensed taxis to 1,279, and that a further application for a new taxi licence is on the agenda for this meeting.
- 3.2 On 28 February 2022 the Committee agreed to amend the procedure for dealing with applications for new taxi licences, having considered a report on the number of taxi licences in effect at that date and noting that the number of licences was below the current limit. This application was received before that date and falls to be determined using the old procedure. The principal effect of the old procedure is that the Council did not require the applicant to identify a vehicle suitable for use as a taxi and available for testing by the applicant.
- 3.3 The procedure normally adopted by the Committee was, if granting a licence, to require a suitable vehicle to be submitted for test within six weeks of grant. This has caused issues due to limited availability of suitable taxis.
- 3.4 The Committee is asked to determine whether members are prepared to grant the licence without a vehicle being identified. The Committee may wish to raise with the applicant what plans they have, and realistically whether they would be in a position to submit a vehicle for test within six weeks. Any delay beyond six weeks risks prejudicing the Council 's position as licensing authority, given the clear duty under the Act for the Council to satisfy itself that the vehicle is suitable for use as a taxi. Any licence in effect without a vehicle has implications for the licence holder, and there is a statutory duty to return the licence and plates in those circumstances.

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 2022. 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

11.2 Appendix 2 – Certificate of Incorporation