

# Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 22 October 2019

## Application for New Taxi Licence

<b>Report number</b>	
<b>Executive/routine</b>	
<b>Wards</b>	Citywide
<b>Council Commitments</b>	N/A

### Executive Summary

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An application for a new Taxi Licence has been received from 504 Scottaxis Ltd. The death of the licence holder has resulted in the new application in order for family members to obtain a licence in order to keep the taxi in operation.

On 16 March 2018 the Regulatory Committee agreed to amend its policy with respect to the age and emissions standard of licensed vehicles in Edinburgh's Taxi and Private Hire Car ('PHC') fleet. On 7 May 2018 the Regulatory Committee agreed the new licensing conditions that would allow this policy to come into effect.

In order for the current vehicle to continue to be licensed as a taxi, this licence would require a variation of licence conditions because the vehicle does not meet the newly adopted Age & Emissions policy as a result of its age.

This is referred to the committee to determine whether an exemption to the policy should be made and the licence should be granted with an exemption to the relevant conditions.

## Application for New Taxi Licence

### 1. Recommendations

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- 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 7 January 2019 the Regulatory Committee agreed to leave unaltered the current limit of issued taxi licences at 1,316;
  - 1.1.3 note that there are currently 1,313 licences in force and agree to grant the licence subject to standard conditions and inspection of the vehicle;
  - 1.1.4 decide whether in this case an exemption to the 'Age and Emissions' policy should be made;
  - 1.1.5 decide whether to vary the licence with exemption from the relevant condition of licence; and if varied
  - 1.1.6 decide the period that any exemptions from the policy will apply, and to note that thereafter all other conditions will take effect on the dates stated in the policy.

### 2. Background

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- 2.1 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.

- 2.2 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.
- 2.3 This application is for the issue of one new taxi licence.
- 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 On 16 March 2018 the Regulatory Committee decided to amend existing policy to restrict the types of vehicles which could be licensed as Taxis or Private Hire Cars (PHCs). On 7 May 2018 the committee agreed the revised conditions necessary to implement this. For the first time the policy introduced an age limitation of 10 years for vehicles, and parallel requirements for vehicle emission standards.
- 2.6 The Regulatory Committee further noted that the Act contained provisions which allowed applicants for Taxi or PHC licences to apply for an exemption to policy. Such applications would be referred to the Licensing Sub-Committee to determine if in these cases an exemption to policy should be made. Members are reminded that the onus is on the applicant for a variation to make their case.

### **3. Main report**

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- 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 July 2019, and was reported to the Regulatory Committee on 21 October 2019. 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 1,313 taxi licences issued and in effect. Whilst this is three fewer than the 1,316 limitation number, members will note that there is one further application to be considered at this committee and one further application to be considered at the November committee.
- 3.4 Members will be aware that this application is made as a consequence of a bereavement. The vehicle which had been formerly licensed by the Council had a licence which was due to expire on 28 September 2019. The Council's Age & Emissions policy applies to this vehicle and as a consequence the vehicle would not normally be able to be operated beyond 28 September 2019. The former

licence holder had applied for an exemption. The committee did not grant an exemption but noted that as a result of applying before 31 Mar 2019 he would benefit from an additional year which would have allowed the vehicle to be licensed until 20 September 2020.

- 3.5 This is a new licence application and due to the emission standard of the vehicle it would require a fresh variation of the terms of Taxi or Private Hire Car conditions attached to the licence and to be exempted from the licensing conditions adopted on 7 May 2018 as it does not meet the required standard.
- 3.6 The committee will be required to determine whether an exemption to the “Age and Emissions” policy should be made, and whether to refuse the variation or agree to vary the licence with exemption from the relevant condition of licence.
- 3.7 If the committee agrees to make an exemption to policy, it is recommended that a period is determined for which the exemption will apply, and that it is made clear to the applicant that this exemption will apply only for that period, and that all other conditions will take effect on the dates stated in the policy thereafter.

#### **4. Measures of success**

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

#### **5. Financial impact**

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- 5.1 The Council’s scale of fees for licensing applications was approved with effect from 1 April 2018. 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**

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- 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**

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

#### **8. Sustainability impact**

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- 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

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9.1 None.

## 10. Background reading/external references

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10.1 Report from CH2M (Regulatory Committee March 2018).

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## 11. Appendices

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- 11.1 Appendix 1 - Application for renewal and variation of conditions of Taxi Licence date stamped 28 March 2019)
- 11.2 Appendix 2 – extract from Register of Deaths dated 6 May 2019
- 11.3 Appendix 3 – correspondence
- 11.4 Appendix 4 - Application for renewal and variation of conditions of Taxi Licence date stamped 30 April 2019)
- 11.5 Appendix 5 - correspondence