

Licensing Sub-Committee of the Regulatory Committee

2:00pm, Wednesday, 22 April 2015

Request for Variation – Private Hire Car Licence – Sean Forbes Dolan-Osborne

Item number	8.1
Report number	
Executive/routine	
Wards	N/A

Executive summary

The Committee is asked to consider a request by a private hire car licence holder that his licence conditions be varied so that they may remove the 'Pre-booked Hires Only' stickers from the front doors of his private hire car.

Links

Coalition pledges	P15 and P30
Council outcomes	CO8
Single Outcome Agreement	SO1

Request for Variation – Private Hire Car Licence – Sean Forbes Dolan-Osborne

Recommendations

- 1.1 The Committee is asked to note the terms of the request and to refuse the request on the basis that the applicant has not demonstrated that executive work is a substantial part of his operations.

Background

- 2.1 On 22 May 2009, the Regulatory Committee approved a requirement that all private hire cars would have to carry self adhesive plastic oval signs on their front doors stating 'Pre-booked Hires Only'.
- 2.2 The Sub-Committee has only granted similar variations in four previous cases. These applicants were granted exemption as they established that they carried out a greater amount of specialised high quality executive/tourism work throughout Scotland. For example, one operator said that 70% of his work came from this source rather than general private hire car work. Two operators provided letters from a number of hotels which confirmed that they would not use the private hire car vehicle if the door stickers were attached.
- 2.3 One licence holder, who claimed that 30% of business was executive or wedding hires, appealed against refusal of his request for variation. The Sheriff considered that the Sub-Committee had not acted unreasonably when refusing his request.

Main report

- 3.1 A request for variation of licence has been received from Sean Forbes Dolan-Osborne. Details of the application and supporting documents provided by him are attached in [Appendix 1](#). Each application should be considered on its own merits. Previous decisions of the Committee provide context but are not binding upon the committee.
- 3.2 The applicant currently works as a subcontractor with a private coach hire firm. A representative of that firm has submitted a letter ([Appendix 1](#)) stating that he would be prepared to offer the applicant more work, should permission be given to have the stickers removed.
- 3.3 The applicant has been invited to attend Committee in support of the application.

- 3.4 If the Committee agrees to allow the variation, the Committee is asked to note that the variation would only apply to that particular vehicle whilst it is licensed by that operator and that, if the vehicle is replaced, the variation would no longer apply. Additionally the rear licence plate on the vehicle would require to be amended to carry the wording "Door Sticker Exemption' as required by the policy.

Measures of success

- 4.1 Not applicable.

Financial impact

- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2015. Any reduced fee would be required to be absorbed by the Civic Government (Scotland) Act 1982 licensing budget for 2015/16.
- 5.2 The costs of applications for variation of private hire car licences are met entirely from application fees

Risk, policy, compliance and governance impact

- 6.1 The applicant has a right of appeal against any decision made. This appeal would be to the Sheriff.

Equalities impact

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

Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

Consultation and engagement

- 9.1 Not applicable

Background reading / external references

[City of Edinburgh Council licence application fees list 2015/2016](#)

On 27 January 2011, the Regulatory Committee approved a Guidance Note for use by the Licensing Sub-Committee when considering requests for exemption from this requirement.

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Head of Service

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Links

Coalition pledges	P15: Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors P30: continue to maintain a sound financial position including long-term financial planning
Council outcomes	CO8: Edinburgh's economy creates and sustains job opportunities.
Single Outcome Agreement	SO1: Edinburgh's Economy delivers increased investment, jobs and opportunities for all
Appendices	Appendix 1: correspondence regarding the variation application