

# Licensing Sub-Committee of the Regulatory Committee

**2.00pm, Wednesday, 7 October 2015**

## Applications for Grant of New Taxi Licences

Item number	3.1
Report number	
Executive/routine	
Wards	Citywide

### Executive summary

---

The Council has received two applications for new Taxi Vehicle Licences.

This report provides Committee members with background information regarding the grant of such licences.

### Links

---

Coalition pledges	<a href="#">P15 and P28</a>
Council outcomes	<a href="#">CO8</a>
Single Outcome Agreement	<a href="#">SO1</a>

## Applications for Grant of New Taxi Licences

### Recommendations:

---

- 1.1 After hearing from the relevant parties, it is recommended that the Committee:
  - a) determines an order by drawing lots;
  - b) determines whether to grant a licence to the first drawn applicant; and
  - c) considers the remaining application noting the current limitation policy and the requirements of Section 10 (3) of the Civic Government (Scotland) Act 1982.

### Background

---

- 2.1 The Council licenses taxi vehicles under the Civic Government (Scotland) Act 1982.

### Main report

---

- 3.1 On 20 April 2015 applications for a Taxi Vehicle Licence were received from both Anthony Taylor and Allan McKinlay.
- 3.2 There is high demand for taxi licences, due in part to the numbers Limitation Policy which was approved by the Regulatory Committee in 2007 and which limits the number of taxi licences to 1,316. Currently there are 1,315 taxi licences in use. One licence is available as the previous licence holder allowed their licence to lapse.
- 3.3 Regular surveys are carried out in order to determine if there is any significant demand for taxis which is unmet. Neither the last full demand survey, which was reported to the Regulatory Committee in May 2013, nor the last interim survey, which was reported to the Regulatory Committee in September 2015, provided evidence of any significant unmet demand.
- 3.4 In the absence of any significant unmet demand, there is therefore only one licence available in line with the current limitation policy, unless the Committee were to be satisfied that the applicant had demonstrated why they should be considered an exemption to that policy.
- 3.5 The previous method of allocation of licences was struck down by the courts in an appeal. This appeal ruled that the use of a closed list of pending applications was unlawful. It is therefore recommended that the committee should determine the order of considering the applications by drawing lots and determining the

licence drawn first. To ensure transparency this should be done during the Licensing Sub-Committee meeting. If the first application is unsuccessful the second application should be considered on the basis that there is one licence available under the current policy.

- 3.6 If the first application is successful then the committee should continue to determine the second application in the context of the current limitation policy but also ensuring that it considers whether the applicant has demonstrated either, that there is significant unmet demand or, as outlined in paragraph 3.4, it has considered whether the applicant has demonstrated why they should be an exemption to the current policy.
- 3.7 The applicants have each been invited to attend or to be represented at this meeting. Copies of the application forms are attached at Appendices 1 and 2.

### Measures of success

---

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

### Financial impact

---

- 5.1 None, as the costs of these matters are recovered through taxi and private hire car vehicle and driver licence application fees.

### 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. There is a high risk of appeal if the Council cannot demonstrate a robust process and ensure that applications are considered on their merits not withstanding any policy.

### 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 None.

### Background reading / external references

---

- Regulatory Committee existing guidance
- City of Edinburgh Council '[Guidance Notes on Corporate Taxi Licences](#)'
- Report to Regulatory Committee: [May 2013 \(full demand survey\)](#)
- Report to Regulatory Committee: [April 2015 \(interim demand survey\)](#)

## Susan Mooney

Head of Service

Contact: Andrew Mitchell, Community Safety Manager

E-mail [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 469 5822

### Links

---

<b>Coalition pledges</b>	<b>P15</b> - Work with public organisations, the private sector and social enterprises to promote Edinburgh to investors. <b>P28</b> - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic wellbeing of the city
<b>Council outcomes</b>	<b>CO8</b> - Edinburgh's economy creates and sustains job opportunities
<b>Single Outcome Agreement</b>	<b>SO1</b> - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
<b>Appendices</b>	Appendix 1 – application form from Anthony Taylor dated 20 April 2015  Appendix 2 - application form from Allan McKinlay dated 20 April 2015