

***CIVIC GOVERNMENT (SCOTLAND) ACT 1982***  
**PRIVATE HIRE CAR LICENCE APPLICATIONS**

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**1. EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to invite members to amend the procedure for determining private hire car licence applications by returning to the previous process whereby unopposed applications may be granted by officers on a delegated basis.

**2. RECOMMENDATIONS**

- 2.1 Members are invited to agree that all future unopposed applications for private hire car licences may be granted by officers on a delegated basis.
- 2.2 Members are further invited to agree that officers will prepare periodic reports for the Planning, Protective Services and Licensing Committee providing updates on the number of private hire cars and taxis across the Licensing Authority's area.

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**1. SUMMARY**

- 1.1 The purpose of this report is to invite members to amend the procedure for determining private hire car licence applications so that generally, only applications where relevant objections or representations have been lodged will be required to come before the Committee for a hearing.
- 1.2 This report has been produced following publication of the Scottish Government's best practice guidance on the power to refuse to grant private hire licences on the grounds of overprovision.

**2. RECOMMENDATIONS**

- 2.1 Members are invited to agree that all future unopposed applications for private hire car licences may be granted by officers on a delegated basis.
- 2.2 Members are further invited to agree that officers will prepare periodic reports for the Planning, Protective Services and Licensing Committee providing updates on the number of private hire cars and taxis across the Licensing Authority's area.

**3. DETAIL**

- 3.1 On 23<sup>rd</sup> October 2019, the Committee agreed to note the contents of a survey, carried out by LVSA which (amongst other things) assessed the provision of private hire cars in Bute and Cowal; Helensburgh and Lomond; Mid Argyll, Kintyre and Islay; and Oban, Lorn and the Isles. Members also agreed to have such regard as they see fit to the results of the survey in determining applications for private hire car licences that come before them.
- 3.2 Members further agreed that that all future applications for private hire car licences should come to the PPSL Committee for determination and, once the Scottish Government has published best practice guidance on private hire overprovision, officers

should bring a report to the Committee for consideration.

- 3.3 On 24<sup>th</sup> October 2019, the Scottish Government released its non-statutory guidance relating to the discretionary power of local authorities to refuse to grant private hire vehicle licences on the grounds of overprovision as provided for in Section 10 of the *Civic Government (Scotland) Act 1982*. These provisions were inserted into the 1982 Act by the *Air Weapons and Licensing (Scotland) Act 2015*, and were commenced on 1<sup>st</sup> May 2017. The Best Practice Guidance is attached as **Appendix 1**.
- 3.4 The LVSA survey, considered by members on 23<sup>rd</sup> October 2019, concluded that there is no overprovision of private hire car services in each of the four administrative areas, in any of the localities within those areas, or across Argyll and Bute as a whole.
- 3.5 All four reports produced as part of the survey concluded that no public dis-benefit was associated with any overprovision of private hire cars; there was no identified benefit which could be associated with implementing a limit to the number of private hire cars; and a modest increase in the provision of private hire cars is unlikely to result in a public dis-benefit in any localities within each of the respective zones.
- 3.6 Having regard to the survey findings, and the associated Scottish Government Guidance, it is considered that an overprovision policy is not appropriate at the present time given that no overprovision of private hire cars has been identified in Argyll and Bute.
- 3.7 Therefore, it is proposed that the Committee reverts to the position prior to 23<sup>rd</sup> October 2019, whereby only applications in relation to which a relevant objection and/or representation has been lodged are required to come before the Committee for a hearing. Unopposed applications will generally be granted by officers using delegated powers by virtue of Section 3 (B) 19 of Part C to Argyll and Bute Council's Constitution:

*“19. To consider and determine, where unopposed, applications under Parts I, II and III and V of the Civic Government (Scotland) Act 1982; and to keep under review, where appropriate, the levels of fees charged for particular licences, and the level of taxi fares throughout the area of the Council.”*

- 3.8 As stated above, the survey concluded that there is no overprovision of private hire cars in Argyll and Bute. Accordingly, there would not currently appear to be sufficient evidence for the Committee to refuse a private hire car licence application on this particular ground. Therefore, in relation to unopposed applications - where no objections or representations being

lodged would mean that there is likewise no evidential basis to rely on one of the other statutory grounds of refusal (under Paragraph 5 of Schedule 1 to the 1982 Act) - the above delegation allows said uncontentious applications to be granted without the need to constitute a hearing.

- 3.9 Despite none of the four reports providing evidence of private hire car overprovision, on which a refusal on that specific ground could be based, it is appreciated that the Committee may wish to continue to monitor the number of licences issued, and to have particular regard to the survey reports in light of these trends. Therefore, it is further recommended that officers produce periodic reports providing updates on the numbers of private hire cars and taxis so that these can be monitored by the Committee on a continuing basis.
- 3.10 In regard to the present position, the LVSA surveys reported that there were 67 private hire cars licensed across Argyll and Bute. At the time of writing there are now 76 private hire cars licensed in Argyll and Bute.

#### **4. CONCLUSIONS**

- 4.1 The recent LVSA taxi and private hire car survey identifies that for each of the four administrative areas, localities within those areas, and across the whole Argyll and Bute area there is no overprovision of private hire car services. Section 10(3A) of the *Civic Government (Scotland) Act 1982* provides that a licensing authority may refuse the grant of a private hire car licence if they are satisfied that there is an overprovision of private hire car services. The findings of the survey will require to be kept in mind by members when determining any new applications, particularly if the Committee are presented with evidence in the future that overprovision of private hire car services does exist. However, even if overprovision is subsequently established, the discretionary nature of Section 10 does not preclude the Committee from granting an application if they are satisfied there are good reasons for doing so.

#### **5. IMPLICATIONS**

Policy: If the recommendations in this report are approved, all future unopposed applications for private hire car licences will generally be granted by officers under delegated powers, as was previously the case.

Financial: None.

Legal: Applications for private hire car licences require

to be dealt with in accordance with the provisions of the *Civic Government (Scotland) Act 1982*, as amended.

Personnel: None.

Equalities: None.

Risk: None.

## **APPENDICES**

1. Scottish Government Guidance: *Civic Government (Scotland) Act 1982 – Guidance on Power to Refuse to Grant Private Hire Car Licences on Grounds of Overprovision*, October 2019

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