

REPORT

To: GENERAL PURPOSES COMMITTEE		Subject: TAXI LICENSING – ALLOCATION OF VACANT TAXI LICENCES
From: DIRECTOR OF ADMINISTRATION		
Date: 15 May 2003	Ref: WBK/KH	

1. PURPOSE OF REPORT

1.1. A taxi operator's licence has become available in the North Licensing Area. This Report seeks the agreement of the Committee as to the procedure for allocating and granting the licence and for the overall practice of allocating vacant licences in the North and Central licensing areas.

2. BACKGROUND

- 2.1. The Council limits the number of taxi operator's licences in its area to 470. As a result of that limit, demand for taxi operator's licences is high and plates attract a considerable monetary value.
- 2.2. The Council has traditionally refused to agree to the transfer (in reality sale) of taxi operator's licences except in very limited circumstances. The principal reason for that is the existence of a list of persons who have expressed an interest in obtaining a taxi operator's licence maintained in respect of the Council's South Licensing Area (the former Motherwell District Council area). It has previously been considered that if all licences were transferable then they would never return to the Council thereby defeating the interests of those persons on the South Area waiting list.
- 2.3. That notwithstanding, the Council has traditionally permitted transfers to close family members and has also formed a policy that transfers will be permitted where a prospective transferee or partner in the taxi licence can demonstrate a significant, tangible and historical interest in the business to which the licence relates.
- 2.4. Taxi operator's licences rarely become available. There are principally two reasons for that. Firstly, taxi operators tend to have a long term commitment to the business and, if giving up their interest in the business, tend to transfer their interests to close family members. Secondly, there is thought to be a continuing black market sale of taxi plates.
- 2.5. When taxi licences become available in the South Licensing Area, it is the Council's practice to allocate them (i.e. invite an application for grant of a licence) in waiting list order.
- 2.6. A taxi licence has become available in the North Licensing Area. The licence holder had previously sought to introduce a joint licence holder but that application was refused when he was not found to meet the policy requirements or merit a departure therefrom. Thereafter, no vehicle was operated by the licence holder. The licence has duly expired and is now available.

3. ISSUES FOR CONSIDERATION

- 3.1. The Committee requires to consider the procedure for allocating this and future vacant taxi operator's licences in the North and Central Licensing Areas. It is suggested that the fairest way to deal with the matter is to advertise the fact that there is a vacant taxi operator's licence available and to invite expressions of interest in obtaining the licence. Thereafter, the names of those who have expressed an interest in applying for the licence would be put forward to be drawn from a ballot by the Convener or Vice Convener at the next available meeting of the General Purposes (Licensing) Sub-Committee. Thereafter, applications for the licence would be invited in order of those drawn from the ballot and the first successful application (in practice one with an acceptable Police report and presentation of a suitable vehicle) would be duly granted the licence.
- 3.2. In respect of the advertising process, it is suggested that it would be appropriate to advertise in local papers circulating in the relevant licensing area. In terms of the ballot procedure, it is simply suggested that previously undisclosed names would be drawn by the Convener from a container and applications invited in the order on which the names are drawn.
- 3.3. It is important to note that an application for grant of a taxi operator's licence may be made by any person at any time. Speculative applications are not common in the face of the numerical limit, however, as soon as it becomes known that a taxi licence is vacant then applications may be forthcoming regardless of the Council's procedure for allocating a vacant licence. In that event, it is suggested that such application simply be treated as an expression of interest and that the applicant is included in the ballot procedure. Of course, any such application would require to be considered independently and on its own merits but that would be against the background that the Committee had formulated a procedure for the grant of vacant taxi licences and an applicant outwith that procedure would require to demonstrate to the Committee that there was good reason, based on the merits of their application, to depart from its agreed allocation procedure.

4. CORPORATE CONSIDERATIONS

- 4.1. Nothing in this report should impact significantly on the Council's overall corporate policies or positions.

5. RECOMMENDATIONS

- 5.1. The Committee is asked to agree the procedures detailed at paragraphs 3.1 and 3.2 for the allocation of taxi licences that become available in the North and Central Licensing Areas.
- 5.2. The committee is asked to authorise the allocation of the taxi operator's licence currently available in the North licensing area in accordance with the procedures detailed at paragraphs 3.1 and 3.2.


Director of Administration

Members seeking further information on the contents of this report are asked to contact Kenny Hannaway, Senior Solicitor (Licensing) on Extension 2214.