

## REPORT

To: CORPORATE SERVICES COMMITTEE		Subject: LICENSING OF TAXI CARS	
From: HEAD OF DEMOCRATIC AND LEGAL SERVICES			
Date: 13 October 2015	Ref: PG/GG		

### 1. PURPOSE OF REPORT

- 1.1. The purpose of the report is to advise the Committee of representations made by the local taxi trade and to propose a measure that has the potential to alleviate a difficulty that can occur for some holders of taxi operator licences.

### 2. BACKGROUND

- 2.1. The Council has a policy that taxi operators, when they apply to vary their licences to include other licence holders, be subject to a requirement that they operate approved wheelchair accessible vehicles (purpose built or purpose adapted vehicles).
- 2.2. The Council decided at a meeting on 8 March 2006 to allow taxi operator licences to be varied in relation to existing licence holders to allow those licence holders to assume their spouses, partners or children on to licences without the requirement to upgrade to a wheelchair accessible vehicle.
- 2.3. Representations have been made in relation to sole operators of taxi licences who currently operate saloon vehicles and have done so since the 8 March 2006. There are thirty six such operators in the South and Central licensing areas.

### 3. REPORT

- 3.1. Following representations from the family of sole operators of taxi licences, who have died, it has become apparent that a provision in the Civic Government (Scotland) Act 1982 referred to below, is creating difficulties for family members in such cases and an inevitable consequence can be the loss of taxi businesses.
- 3.2. The relevant provision is contained in paragraph 8(3) of Schedule 1 to the aforementioned Act and this provision provides as follows:-

“(3) In the event of the death of a holder of a licence (except in the case of a licence referred to in Section 13 of this Act) (that is a driver's licence) that licence shall be deemed to have been granted to his executor and shall, unless previously revoked, suspended or surrendered, remain in force until the end of the period of three months beginning with the death and shall then expire; but the licensing authority may from time to time, on the application of the executor, extend or further extend that period if they are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable”.

- 3.3. It is apparent from a strict reading of the above provision that a taxi operator licence only remains in existence for a limited period following the death of the sole licence holder. A consequence of this is that the licence holder's executor can only operate the licence for a limited period.
- 3.4. There are several sole licence holders who want to vary their licences to include a spouse, partner or child but at this point in time are prejudiced from doing so in view of the Council's requirement that their saloon vehicles be upgraded to a vehicle of a purpose built or purpose adapted type.
- 3.5. There would appear to be a case to temporarily hold in abeyance the Council's requirement on upgrading for a limited period in order to allow sole holders of taxi operator licences the opportunity to vary their licences to include a spouse, partner or child without the necessity of having to upgrade their vehicle. The Committee is asked to consider a proposed holding in abeyance of this part of their policy in this instance.

#### **4. CORPORATE CONSIDERATIONS**

- 4.1. The issues raised in this report do not significantly impact on the Council's wider policies.

#### **5. RECOMMENDATIONS**

- 5.1. It is recommended that, due to the representations outlined above and the reasons given therefor, the Committee agrees to allow sole operators of taxi licences granted after 8 March 2006 the opportunity of varying their licences to include spouses, partners or children for the period up to 1 March 2016 without having to upgrade to a purpose built or purpose adapted vehicle. Thereafter the relevant aspect of the policy would come back into effect.
- 5.2. It is recommended it be agreed that officers of the Council write to the operators concerned affording them this opportunity. The usual fee for varying licences will be applied.



**Head of Democratic and Legal Services**

*Members seeking further information on the context of this report are asked to contact Paul Guidi, Acting Managing Solicitor (Licensing & Litigation) on extension 2294.*