

Report

Report to:	Licensing Committee
Date of Meeting:	20 August 2019
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis and Private Hire Cars
----------	---

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ request approval to instruct a survey:-
 - ◆ to assess whether or not there is an 'overprovision' of private hire cars in any of the zones of South Lanarkshire
 - ◆ to assess whether or not there is any significant unmet demand in respect of taxis in each of the zones of South Lanarkshire
 - ◆ to consider whether the current provision of wheelchair accessible vehicles in each zone of South Lanarkshire is sufficient

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that a survey be instructed to assess:-
- ◆ if there is any overprovision of private hire cars in each zone of South Lanarkshire
 - ◆ if there is any significant unmet demand in respect of taxis in each zone of South Lanarkshire
 - ◆ the sufficiency of Wheelchair Accessible Vehicles throughout the zones in South Lanarkshire

3. Background

- 3.1. Section 10(3) of the Civic Government (Scotland) Act 1982 provides that a Licensing Authority may refuse the grant of a taxi licence for the purpose of limiting the number of taxis in respect of which licences are granted by it, but only if it is satisfied that there is no significant unmet demand for the services of taxis in its area.
- 3.2. This provision did not apply to applications for private hire car licences. However, amendments made to the Act by the Air Weapons and Licensing (Scotland) Act 2015, which came into effect on 15 May 2017 introduced the concept of refusing applications for private hire cars on the basis of overprovision.
- 3.3. Sections 10 (3A), (3B) and (3C) of the Civic Government (Scotland) Act 1982 allow a Licensing Authority to refuse to grant an application for a private hire car licence on the grounds that it is satisfied that there already exists, or would exist if the licence was granted, an overprovision of private hire cars in the locality or localities in which the private hire car is to operate.

- 3.4. There is currently no statutory guidance available, however, the Scottish Government are in the process of drafting appropriate guidance.
- 3.5. In considering whether there is, or would be, an overprovision of private hire cars in the locality, Section 10(3C) provides that a Licensing Authority must have regard to the number of private hire car licences operating and the demand for private hire car services in the locality. Currently there is no evidence upon which the Licensing Authority could base a conclusion of unmet demand in any of its localities and the survey is proposed to address this.
- 3.6. An independent survey has not been carried out in respect of taxis for a number of years. Therefore, it is appropriate that this survey also look at the use and demand of taxis in each zone to determine if there is “any significant unmet demand” in respect of taxis.
- 3.7. There have always been questions raised as to the sufficiency of Wheelchair Accessible Vehicles throughout South Lanarkshire’s area. It would therefore be appropriate to include this question in any survey to be carried out to assess the provision, use and demand of both taxis and private hire cars.

4. Employee Implications

- 4.1. There are no implications for employees arising from this report.

5. Financial Implications

- 5.1. The cost of the survey would require to be met from the existing Licensing budget.

6. Other Implications

- 6.1. The risk to the Council is that it fails to fulfil its duty to protect the public.
- 6.2. There are no apparent implications in terms of sustainable development.

7. Equality Impact Assessment and Consultation Arrangements

- 7.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.
- 7.2. The survey when it is being carried out will take into account views from, for example the trade, local residents, community councils and organisations representing disabled residents.

Paul Manning
Executive Director (Finance and Corporate Resources)

10 July 2019

Link(s) to Council Values/Ambitions/Objectives

- ♦ Make communities safer, stronger and sustainable

Previous References

- ♦ None

List of Background Papers

- ♦ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Margaret Mary Cairns, Legal Services Manager

Ext: 4501 (Tel: 01698 454501)

E-mail: margaretmary.cairns@southlanarkshire.gov.uk