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**Report To:** General Purposes Board                      **Date:** 13 December 2023

**Report By:** Head of Legal, Democratic, Digital & Customer Service      **Report No:** LS/170/23

**Contact Officer:** Anne Sinclair    **Contact No:** 01475 712034

**Subject:** Taxi Licensing- Policy Regarding Allocation of Taxi Plates

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## **1.0 PURPOSE AND SUMMARY**

1.1  For Decision     For Information/Noting

1.2 The purpose of this report is to consult with Members of the General Purposes Board and ask the Board to authorise the Head of Legal, Democratic, Digital & Customer Services to commence a consultation with the taxi trade and other relevant stakeholders regarding the appropriate methodology for the reallocation of any existing taxi/wheelchair accessible vehicle licences which become available or any new licences/plates which may become available for distribution in future.

## **2.0 RECOMMENDATIONS**

2.1 The Board is asked to:

- (1) Note the terms of this report; and
- (2) authorise the Head of Legal, Democratic, Digital & Customer Services to commence a consultation with the members of the taxi trade, including taxi drivers and operators, with regard to a possible policy in connection with the reallocation of existing taxi plates should they become available or new taxi plates should the Board at a future meeting determine to increase the number of plates.

**Iain Strachan**  
**Head of Legal, Democratic, Digital & Customer Services**

### **3.0 BACKGROUND AND CONTEXT**

- 3.1 The purpose of licensing is fundamentally about protecting the public and setting standards in relation to the quality of taxi/private hire vehicles, as well as the drivers who operate them. A Licence Holder is a person who has been granted and holds a current and valid licence from the Council in terms of part 11 of the Civic Government (Scotland) Act 1982 (“the Act”) to operate either a taxi or a private hire vehicle. A licence plate, which must be displayed, is issued by the Council’s Taxi Examination Centre at Pottery Street, and identifies licensed vehicles as hire vehicles. A licensed vehicle is a vehicle that is a taxi/private hire car under a taxi/private hire vehicle licence, or any approved replacement vehicle which has been inspected and approved by the Council’s Taxi Examination Centre.
- 3.2 As at the date of this report there are 244 taxi operators in Inverclyde, of which 20 relate to Wheelchair Accessible Vehicles, and 5 relate to Wemyss Bay plates. The number of taxi operator plates have been capped by the Council as Licensing Authority. There are 36 private hire car operators as at the date of this report. No such cap exists in relation to private hire operator licences. Such plates are available for allocation albeit there is relatively low demand.
- 3.3 It is for the Council as Licensing authority, not for existing Licence Holders, to make decisions as to who should hold a Licence. Licences remain the property of the Council and do not become the property of the licence holder. In terms of section 10(6) of the Act, return of a licence plate issued by the Council should take place within 28 days of the sale or disposal of a licensed vehicle or if the Licence Holder ceases to operate. This is to prevent misuse and evasion of the licensing requirements as a licence plate is personal to the operator. It can be transferred between vehicles if one has been substituted for another in terms of section 10(5) of the Act. The Act does not permit the direct transfer of a licence. Decisions as to who should hold a licence are for the Council, it is not open to Licence holders to dispose, directly or indirectly, of their licence to a third party.

### **4.0 PROPOSED CONSULTATION REGARDING ALLOCATION TO PLATES**

- 4.1 From time to time, albeit rarely, taxi operator licences/plates become available for reallocation by the Council. It is considered that in the interests of fairness, transparency and consistency it would be helpful if there was a Policy regulating such reallocation, which would require to be formally approved by the Board, addressing how the Council will generally determine licence applications, given the limit in its area. Such a Policy would be of benefit to Licence Holders, by providing a framework under which applications shall be processed and determined, thus enabling licence holders to plan for the future. If at any time the Council makes a decision to vary the number of Licences issued in its area, decisions as to the granting of any new Licence could be taken in accordance with any such Policy.

### **5.0 PROPOSALS**

- 5.1 It is considered by officers that it would be appropriate to consult with taxi operators and drivers, along with representatives of the taxi trade and relevant stakeholders, in relation to whether or not a policy regarding allocation would be beneficial, and if so, what terms may be contained within any such policy, particularly with regard to how any available licences/plates should be allocated in future.

## 6.0 IMPLICATIONS

6.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

<b>SUBJECT</b>	<b>YES</b>	<b>NO</b>
Financial		X
Legal/Risk	X	
Human Resources		X
Strategic (LOIP/Corporate Plan)		X
Equalities & Fairer Scotland Duty		X
Children & Young People's Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

### 6.2 Finance

None

### 6.3 Legal/Risk

The legal issues are addressed in this report.

### 6.4 Human Resources

None

## 7.0 CONSULTATION

7.1 The proposal that a consultation be undertaken is addressed in this report.

## 8.0 BACKGROUND PAPERS

8.1 None.