

Agenda item	9.1
Report no	HLC/014/19

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 19 February 2019

Report title: Application for the renewal of a taxi operator's licence – Harunur Rashid (Ward 15 – Inverness Ness-side)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

1.1 This report relates to an application for the renewal of a taxi operator's licence.

This item is subject to a formal hearing procedure

2. Recommendation

2.1 Members are asked to determine the application in accordance with the hearings procedure.

3. Background

3.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 ("the Act") a licence will be required for the operation of a taxi. A licence for the same is issued by the Highland Council and is valid for the whole Council area.

4. Application

4.1 Mr Harunur Rashid applied for the renewal of his taxi operator's licence on 28 June 2018.

4.2 The application was circulated to both Police Scotland and the Council's Trading Standards Service.

4.3 There have been no objections received in relation to the application.

4.4 In terms of the abovementioned Act the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 27 March 2019. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued to Mr Rashid for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

5. Insurance Certificate

5.1 Mr Rashid advised the Council in September 2018 that he was returning to his home country for several months and would be back at the end of January 2019.

5.2 Before his renewed licence can be issued to him, Mr Rashid is required to submit an up to date insurance certificate for the vehicle. At the time of writing we were unable to contact Mr Rashid to ask him to submit this certificate.

6.0 Determining issues

6.1 Paragraph 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 states that a licensing authority may refuse an application to grant or renew a licence where:

- (a) the applicant or anyone else detailed on the application is not a fit and proper person;
- (b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;
- (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to
 - (i) the location, character or condition of premises or the character or condition of the vehicle or vessel,
 - (ii) the nature and extent of the proposed activity,
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel,
 - (iv) the possibility of undue public nuisance, or
 - (v) public order or public safety; or

(d) there is other good reason for refusing the application.

6.2 If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

7 Policies

7.1 The following policy is relevant to this application:

Standard taxi operator's licence conditions. A copy of these can accessed at https://www.highland.gov.uk/downloads/download/386/taxi_operators_licence or a hard copy can be supplied where requested.

8. Implications

8.1 Not applicable.

Date: 31 January 2019

Author: Michael Elsey

Background Papers: Civic Government (Scotland)Act 1982