

Agenda item	<b>8.1</b>
Report no	<b>HLC/029/20</b>

**THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 4 August 2020

**Report title:** Application for the grant of a taxi driver's licence – Duncan Maxwell (Ward 19 – Inverness South)

**Report by:** The Principal Solicitor – Regulatory Services

**1. Purpose/Executive Summary**

**1.1** This report relates to an application for the grant of a taxi driver'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 driving 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 Duncan Maxwell applied for the grant of a taxi driver's licence on 14 August 2019.

**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 twelve months from receipt of the application to determine the same, therefore this application must be determined by 13 August 2020. 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 Maxwell for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

### **5. Immigration Act - Right to work check**

**5.1** Mr Maxwell currently holds a private hire car drivers licence and underwent a right to work check as part of the process of that licence being granted.

### **6.0 Taxi driver's knowledge test**

**6.1** Mr Maxwell has sat the Council's taxi driver's knowledge test passing the Highland section with 75% but failing the local section with 68%. Mr Maxwell has not yet re-sat the local section.

**6.2** Due to the current restrictions relating to Covid-19 staff have not been able to arrange for Mr Maxwell to re-sit the knowledge test.

### **7. Determining issues**

**7.1** 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.

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

**7.3** In addition, section 13(5) of the Act provides that a licensing authority may require an applicant for a taxi driver's licence to take a test of his knowledge of the area to which the licence is to relate, of the layout of roads in that area and such other matters relating to the operation of a taxi as the authority consider desirable, and the authority may refuse to grant a licence to a person who does not satisfy them that they have adequate knowledge of any of these matters.

**7.4** A copy of this report has been sent to Mr Maxwell who has been invited to submit written representations to state his case.

## **8. Policies**

**8.1** The following policies are relevant to this case:

Standard taxi driver's licence conditions. A copy of these can be accessed at [https://www.highland.gov.uk/directory\\_record/738739/taxi\\_and\\_private\\_hire/category/501/taxi\\_and\\_private\\_hire](https://www.highland.gov.uk/directory_record/738739/taxi_and_private_hire/category/501/taxi_and_private_hire) or a hard copy can be supplied where requested.

## **9. Implications**

**9.1** Not applicable.

Date: 29 June 2020

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982