

Agenda item	<b>9.1</b>
Report no	<b>HLC/030/20</b>

## **THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 4 August 2020

**Report title:** Application for the grant of a private hire car operator's licence Gordon McDonald (Ward 14 – Inverness Central)

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

### **1. Purpose/Executive Summary**

**1.1** This report relates to an application for the grant of a private hire car operator's licence.

### **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 private hire car. A licence for the same is issued by the Highland Council and is valid for the whole Council area.

### **4. Application**

**4.1** Gordon McDonald applied for the grant of a private hire car operator's licence on 17 August 2019.

**4.2** He previously held a private hire car operator's licence which expired on 1 February 2019.

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

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

**4.5** 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 16 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 McDonald for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

### **5. Vehicle inspection and documents**

**5.1** Mr McDonald has not yet presented his vehicle for inspection, or had the meter tested (if a meter is to be fitted). He also requires to submit satisfactory insurance, MOT and registration documents.

**5.2** For Members information Mr McDonald also applied for the grant of a private hire car driver's licence on 20 September 2020. Due to the current restrictions relating to Covid-19 staff have not, to date, been able to arrange for Mr McDonald to undertake a Right to Work check.

### **6. 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.

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

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

## **7. Implications**

**7.1** Not applicable.

Date: 29 June 2020

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982