

Agenda item	10.1
Report no	HLC/096/23

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 28 November 2023

Report title: Application for the grant of a taxi driver's licence – Caroline McKeown (Ward 20 – Badenoch and Strathspey)

Report by: Acting 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 Council's 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 Mrs Caroline McKeown applied for the grant of a taxi driver's licence on 28 March 2023.

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

4.3 There are no objections to the application from Trading Standards Service, however Police Scotland have advised that they are unable to process the application due to the applicant submitting the application form and her DVLA driving licence in her maiden name instead of her married name. The application form has since been amended.

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 December 2023. 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 Mrs McKeown 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 Right to work check still has to take place and has made no effort to arrange for this to be undertaken despite being asked to on several occasions.

6.0 Taxi driver's knowledge test

6.1 Mrs McKeown has not yet sat and passed the Council's taxi driver's knowledge test and again has made no effort to arrange to sit the test despite being asked to on several occasions.

7.0 Documentation

7.1 As part of the application process the applicant must submit a copy of their DVLA driving licence and 2 passport photos. A copy of Mrs McKeown's updated DVLA driving licence has still to be submitted, this has been requested on several occasions from the applicant who has advised that the delay is due to the DVLA and that she would contact them. The applicant still has to submit passport photos.

8. Determining issues

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

8.2 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 their 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.

8.3 A copy of this report has been sent to Mrs McKeown who has been invited to state her case.

9. Policies

9.1 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 or a hard copy can be supplied where requested.

10. Implications

10.1 Not applicable.

Date: 8 November 2023

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982