

Agenda item	9.1
Report no	HLC/055/24

THE HIGHLAND COUNCIL

Committee: Highland Licensing Committee

Date: 25 June 2024

Report title: Application for the grant of a taxi driver's licence – Jaime Heraclio Narvaez Alcantara (Ward 21 – Fort William and Ardnamurchan)

Report by: The 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 hearing 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 On 28 September 2023 an application for the grant of a taxi driver's licence was received from Jaime Heraclio Narvaez Alcantara.

4.2 In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 27 June 2024. 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 for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

5. Process

5.1 Following receipt of the application, a copy of the same was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Trading Standards Service

5.2 There have been no objections received in relation to this application.

6. Taxi Drivers Knowledge Test

6.1 Mr Narvaez Alcantara undertook the taxi driver's knowledge test on 11 January 2024 but on this occasion, failed both sections of the test.

6.2 Mr Narvaez Alcantara is permitted two further attempts to sit and pass the knowledge test. However, despite the Licensing Team's efforts to arrange a further knowledge test for Mr Narvaez Alcantara, to date, he has not made a further appointment.

6.3 As indicated at para. 4.2 above, the period for determining the application is due to expire shortly and therefore the application is before the Committee for determination.

7. Immigration Act 2016

7.1 Under the provisions of the above Act, a right to work check still requires to be conducted with the applicant.

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.

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

8.3 A copy of this report has been sent to Mr Narvaez Alcantara who has been invited to attend and will be provided with an opportunity to be heard by the Committee. He has also been advised of the procedure which will be followed at the meeting.

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: 05 June 2024

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Background Papers: Civic Government (Scotland) Act 1982