

Agenda item	8.1
Report no	HLC/39/25

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 25 February 2025

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

Report by: 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 Mr Desmond Gillies applied for the grant of a taxi driver's licence on 15 October 2024.

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.

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 14 July 2025. 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 Gillies for a period of 1 year.

5. Taxi driver's knowledge test

5.1 The Council's policy in respect of taxi driver knowledge tests permits an applicant with a maximum of three attempts in order to pass. Should they fail all three attempts the application requires to be referred to the Highland Licensing Committee for determination. The applicant must achieve a pass mark of 75% or above for the Highland Wide section and 85% or above for the local section. If one section of the test is passed the applicant would not require to re-sit this.

Mr Gillies test marks were as follows:-

1st attempt – Highland Wide section – 89%; Local section – 49%

2nd attempt – Local section – 67%

3rd attempt – Local section – 79%

5.2 The application cannot be determined under delegated powers as the applicant has not attained the required pass marks.

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 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.

6.3 A copy of this report has been sent to Mr Gillies who has been invited to the Committee to state his case.

7. Policies

7.1 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.

8. Implications

8.1 Not applicable.

Date: 3 February 2025

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982