

## The Highland Licensing Committee

Meeting – 2 February 2016

Agenda Item	8.1
Report No	HLB/019/16

### Application for the grant of a taxi driver's licence – Donald Macleod (Ward 1 – North, West and Central Sutherland)

#### Report by the Legal Manager

##### Summary

This Report relates to an application for the grant of a taxi driver's licence.

This item is subject to a formal hearing procedure.

#### 1.0 Background

1.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 a licence will be required for the driving of a licensed taxi. A licence for the same is issued by the Highland Council and is valid for the whole Council Area.

#### 2.0 Application

2.1 On 5 October 2015 an application for the grant of a taxi driver's licence was received from Mr Donald Macleod.

2.2 In terms of the abovementioned Act the Licensing Authority have six months from receipt of the application to determine the same. Therefore this application must be determined by 4 April 2016. Failure to determine the application by this time would result in the application being the subject of a 'deemed grant' which means that a licence would require to be issued to Mr Macleod for a period of 1 year.

#### 3.0 Process

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

- Police Scotland
- Highland Council Trading Standards Service

3.2 Both Agencies/Services have confirmed that they have no objections to the application.

#### 4.0 Taxi Driver's Knowledge Test

4.1 The Council's policy in respect of taxi driver's knowledge test states that an applicant is permitted a maximum of three attempts. Should they fail all three attempts the application requires to be referred to the Highland Licensing Committee for consideration.

**4.2** The applicant must achieve a pass mark of 85% or above for both sections of the test (Highland Section and Local Area Section). If one section of the test is passed the applicant would not require to re-sit this.

**4.3** Mr Macleod's has sat one set of papers and his test marks were as follows:

1<sup>st</sup> Attempt – Highland Section - 73% and Local Area Section – 48%

Mr Macleod was contacted on 11 November 2015 regarding a re-sit of the knowledge test. At that time he advised that he was unwell and would not be fit for work for a while and therefore unable to re-sit the knowledge test. A letter was sent to Mr Macleod on 5 January 2016 asking him to contact the Council with regards to his application, but to date no response has been received.

**4.4** The application therefore cannot be determined under delegated powers as the applicant has not attained the required pass marks and the time period for determining the application is due to expire shortly.

## **5.0 Policies**

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

Standard taxi driver's Licence conditions. A copy of these can accessed at [www.highland.gov.uk/businessinformation/licensing/civicgovernmentlicensing](http://www.highland.gov.uk/businessinformation/licensing/civicgovernmentlicensing) or a hard copy can be supplied where requested.

## **6.0 Recommendation**

**6.1** The Committee is invited to determine the application in accordance with the Council's Hearings Procedure.

Designation: Legal Manager

Officer Reference: L Gunn

Date: 13 January 2016

Background Papers: Civic Government (Scotland) Act 1982