

The Highland Licensing Committee

Meeting - 28 March 2017

Agenda Item	11.1
Report No	HLC/023/17

Application for the grant of a taxi driver's licence – David McKay (Ward 18 – Culloden and Ardersier)

Report by the Principal Solicitor – Regulatory Services

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 4 October 2016 an application for the grant of a taxi driver's licence was received from Mr David McKay.

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 3 April 2017. 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 McKay 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 An appointment was made for Mr McKay to sit the knowledge test on 14 November 2016 however this was cancelled by him.
- 4.4 A number of attempts were made to contact Mr McKay to re-arrange the test and a further date of 24 February 2017 was arranged, however Mr McKay did not appear for this.
- 4.5 The application therefore cannot be determined under delegated powers as the applicant has not attained the required pass marks and the period for determination, detailed in paragraph 2.2 is nearing expiry.

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 http://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.

6.0 Recommendation

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

Officer Reference: Michael Elsey

Date: 6 March 2017

Background Papers: Civic Government (Scotland) Act 1982