

Agenda item	7.2
Report no	HLC/048/21

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 7 September 2021

Report title: Application for the renewal of a taxi driver's licence – Steven Glendinning (Ward 14 – Inverness Central)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

1.1 This report relates to an application for the renewal 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 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 Steven Glendinning applied for the renewal of his taxi driver's licence on 10 September 2020.

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

4.3 There have been no objections received in relation to the application.

4.4 In terms of the abovementioned Act the Licensing Authority have twelve months (due to temporary amendments to the legislation during the coronavirus period) from receipt of the application to determine the same, therefore this application must be determined by 9 September 2021. 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 Glendinning for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

5. Driving Licence

5.1 In terms of Section 13(3) of the Civic Government (Scotland) Act 1982 Act a licensing authority cannot grant a licence to anyone who has not held a valid driver's licence for at least 12 month.

5.2 In order to check this applicants are asked to provide a copy of their driving licence to the licensing office.

5.3 Licensing staff have attempted to contact Mr Glendinning on a number of occasions by phone and email to ask him to submit his driving licence however to date they have received no response and are therefore unable, at this time, to issue the licence under delegated powers.

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.

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

6.3 A copy of this report has been sent to the applicant 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.

7. Policies

7.1 The following policies are relevant to this case:

Standard taxi driver's licence conditions. A copy of these can 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: 18 August 2021

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982