

Agenda item	8.1
Report no	HLC/014/23

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 14 February 2023

Report title: Application for the grant of a taxi driver's licence – Frederic Kramer

Report by: The 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 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 Frederic Kramer applied for the grant of a taxi driver's licence on 3 March 2022.

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 2 March 2023. 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 Kramer for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

5. Taxi Driver's Knowledge Test

5.1 Mr Kramer has not yet sat and passed the Council's taxi driver's knowledge test.

5.2 Licensing staff have made several appointments for him to attend and sit this test however he has had to cancel on each occasion.

6. Immigration Act - Right to work check

6.1 Mr Kramer has still to undergo a right to work check.

7. Foreign conviction check

7.1 Mr Kramer submitted a foreign conviction check as required as he was born outwith the UK, however as the document was in French, an authenticated translated copy of the document still requires to be submitted by 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 Kramer 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: 24 January 2023

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982