

Agenda item	7.1
Report no	HLC/89/24

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 3 September 2024

Report title: Application for the grant of a private hire car driver's licence – Faiz Mohammed (Ward 10 - Eilean a' Cheò)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

- 1.1 This report relates to an application for the grant of a private hire car 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 private hire car. A licence for the same is issued by the Highland Council and is valid for the whole Council area.

4. Application

4.1 On 22 December 2023 an application for the grant of a taxi driver's licence was received from Faiz Mohammed. Mr Mohammed requested that this application be changed from a taxi driver to a private hire car driver and this request was approved by the Acting Principal Solicitor – Regulatory Services on 1 February 2024.

4.2 In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 21 September 2024. 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 for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

5. Process

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

- Police Scotland
- Trading Standards Service

5.2 There have been no objections received in relation to this application.

6. Right to work check

6.1 When Mr Mohammed submitted his application he was unable to provide his original passport as he had sent it to HM Passport office to get it renewed. He provided a photocopy of his passport, which expired on 24 January 2017.

6.2 In order to be satisfied of an applicant's right to work in the UK, the UK Government has provided a list of acceptable documents that the applicant must provide to officers to evidence that they have the right to work. The list of acceptable documents is clearly set out in the guidance that is provided to applicants. Applicants must provide the original documents, not photocopies.

6.3 Mr Mohammed has advised officers that he has been liaising with HM Passport Office and progress has been made, but they are not yet in a position to issue Mr Mohammed with a new passport.

6.4 In view of this a licence is currently unable to be issued under delegated powers and, as indicated in 4.2 of the report, the period for determining the application is due to expire shortly.

7. Determining issues

7.1 Paragraph 5(3) of Schedule 1 of the Act 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.

7.2 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.

8. Policies

8.1 The following policies are relevant to this case:

Standard private hire car 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.

9. Implications

9.1 Not applicable.

Date: 14 August 2024

Author: Carol Nicolson

Background Papers: Civic Government (Scotland) Act 1982