

Agenda item	<b>10.1</b>
Report no	<b>HLC/127/25</b>

## **THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 5 August 2025

**Report title:** Application for the grant of a taxi driver's licence – Rojob Ali (Ward 21 – Fort William and Ardnamurchan)

**Report by:** 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 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** Mr Rojob Ali applied for the grant of a taxi driver’s licence on 6 March 2025.
- 4.2** The application was circulated to both Police Scotland and the Council’s Trading Standards Service.
- 4.3** No objections have been received in respect of the application, however, Police Scotland have requested that a foreign convictions certificate be submitted.

### **5. Taxi driver’s knowledge test**

- 5.1** The Highland Council’s policy in respect of taxi driver knowledge tests allows an applicant up to three attempts to pass.

If the applicant fails all three attempts, the application must be referred to the Highland Licensing Committee for determination.

To pass, the applicant must achieve:

- At least 75% in the Highland-wide section, and
- At least 85% in the local section.

If the applicant passes one section but not the other, they are only required to re-sit the section they did not pass.

Mr Ali achieved the following marks in his test:-

- 1<sup>st</sup> attempt – Highland-wide section – 66%; local section – 15%
- 2<sup>nd</sup> attempt – Highland-wide section – 84% (*pass*); local section – 17%
- 3<sup>rd</sup> attempt – local section - 70%

The application, therefore, cannot be determined under delegated powers as the applicant has not achieved the required pass mark for the ‘local’ section of the knowledge test, namely 85%.

### **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.

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

**6.2** In addition, section 13(5) of the Act provides that a licensing authority may require an applicant for a taxi driver's licence to take a test of their knowledge of the area to which the licence is to relate, of the layout of roads in that area and such other matters relating to the operation of a taxi as the authority consider desirable, and the authority may refuse to grant a licence to a person who does not satisfy them that they have adequate knowledge of any of these matters.

**6.3** A copy of this report has been sent to Mr Ali who has been invited to the Committee to state his case.

## **7. Policies**

**7.1** 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](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: 16 July 2025

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Background Papers: Civic Government (Scotland) Act 1982