

# LICENSING COMMITTEE INFORMATION SHEET

## 18 JANUARY 2022

### INFORMATION NOTE

Applicant: Stewart George Gilchrist Licence: T085  
Must be determined by 17/02/2022

Vehicle SF66 DSU has not passed a hackney as required under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and Taxi Licence Condition 5. The Vehicle was required to undergo a taxi test on 09/03/2022 and was not presented for testing and the licence holder did not contact licensing to arrange another test.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

### DESCRIPTION

Renewal Taxi Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

Legal

### COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy.  
Taxi Licence condition 5 requires that a vehicle be tested twice per year.  
Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

### GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i)for the time being disqualified from holding a licence, or

(ii)not a fit and proper person to be the holder of the licence;

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(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 the 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;

**and otherwise shall grant the application.**