

FALKIRK COUNCIL

Subject: KNOWLEDGE TEST FAILURE
Meeting: CIVIC LICENSING COMMITTEE
Date: 2 December 2015
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 Members will recollect that the Licensing Co-ordinator advised the Committee at its meeting on 4 November 2015 of changes to the administrative processes associated with applications for the grant of a new taxi driver licence and the failure of applicants to either attain the requisite pass mark or to appear for the test.
- 1.2 The practice up until recently required that any applicant who failed the knowledge test three times would automatically be referred to the Civic Licensing Committee for consideration. In most cases the Committee would grant a fourth and final opportunity to sit and pass the test.
- 1.3 As part of wider considerations of civic licensing policies and practices, the policy development panel chaired by Councillor Blackwood, considered the practice of remitting “knowledge test failures” to Committee for a final opportunity to be unnecessarily cumbersome. Officers were instructed to devise a more streamlined approach.
- 1.4 The new practice will allow officers discretion to consider whether a fourth attempt to pass the knowledge test should be afforded to an applicant. If the decision is that there is to be no further test or the applicant is given a fourth attempt and fails, officers will prepare a report briefly detailing the circumstances and recommending that the application be refused on the basis that the applicant has failed to satisfy the licensing authority that he/she has adequate knowledge of the layout of roads in the area and such other matters relating to the operation of a taxi as set out in the test. The applicant will be given an opportunity to make a written submission but will not be cited to appear before the Committee.

2. APPLICATIONS FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

- 2.1 Mr Syed Kazmi, submitted an application for a new taxi driver on 17 July 2015. His application must be considered before 16 January 2016. The applicant was invited to attend for the test on 13 August, at which point he advised that he needed more time to prepare for the test. The test was then re-arranged for 20 August. The applicant did not appear and phoned the licensing offices on 24 August advising that he required another 3 to 4 weeks to prepare. The applicant sat the test on 24 September and attained 7%. A further test was arranged for 22 October. The applicant telephoned the licensing offices on 21 October to advise that he required another week to prepare for the test. Another test was arranged for 29 October but the applicant failed to attend or to advise that he was unavailable.

- 2.2 It is the view of officers that the applicant has little prospect of passing the knowledge test and would recommended that the Committee consider refusing the application on the basis that the applicant has not sat and passed the knowledge test.
- 2.3 Mr Steven Purdie, submitted an application for a new taxi driver on 10 August 2015. His application must be considered before 9 February 2016. The applicant was invited to attend for the test on 10 September, at which point he advised that he was unable to attend due to a hospital appointment and requested that the test be re-arranged for a fortnight later. The applicant was subsequently invited to sit the test on 24 September but advised that he was unable to attend due to illness. Further tests were arranged for 7 October and 5 November. The applicant failed to attend and did not advise that he was unavailable.
- 2.4 It is the view of officers that the applicant has shown little interest in attending the knowledge test and would recommended that the Committee consider refusing the application on the basis that the applicant has not sat and passed the knowledge test.
- 2.5 Mr Asa Brown, submitted an application for a new taxi driver on 31 July 2015. His application must be considered before 30 January 2016. The applicant sat the test on 27 August and attained 37%. Another test was arranged for 24 September and the applicant attained 47%. A third test was arranged for 22 October and the applicant failed to attend. A further test was arranged for 5 November and the applicant failed to attend or to advise that he was unavailable.
- 2.6 It is the view of officers that the applicant has little prospect of passing the knowledge test and would recommended that the Committee consider refusing the application on the basis that the applicant has not sat and passed the knowledge test.
- 2.7 The applicants have not been invited to sit a medical as yet.
- 2.8 All of the applicants were written to and advised of the report before Members. The letter explained that the applicant could submit a letter in support of the application which would form part of the report. No letters have been received.

3 RECOMMENDATION

It is recommended that Members consider the terms of the report.

The options available to the Members are:-

3.1

- (a) to refuse to grant the TAXI DRIVER licences in terms of the Civic Government (Scotland) Act 1982, Section 13 (5) on the grounds that the applicants, having failed to pass the knowledge test, have failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates and the layout of roads in the area.; or**

- (b) if Members are satisfied that there are other relevant circumstances that warrant a departure from policy, to instruct officers to arrange for applicants to undertake a medical; and should they fail the medical to remit the matter back to Committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the TAXI DRIVER licences.

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Chief Governance Officer
Date: 24 November 2015

Contact Officer: Bryan Douglas, Licensing Co-ordinator (telephone 501262)

LIST OF BACKGROUND PAPERS

None