

The background of the slide features a large, light blue crest of the University of Victoria. The crest is a shield divided into four quadrants. The top-left quadrant shows a building with a cross on top. The top-right quadrant shows a stag's head with antlers. The bottom-left quadrant shows a sailing ship on the water. The bottom-right quadrant shows an eagle with spread wings. Above the shield is a crown with four floral motifs. Below the shield is a banner with the text "ANNE FOR A".

Agenda Item 5

Knowledge Test Failures

Falkirk Council

Subject: Knowledge Test Failures
Meeting: Civic Licensing Committee
Date: 4 November 2020
Author: Chief Governance Officer

1. Applications for the grant of a new taxi driver licence

Mr Ijaz

- 1.1 Mr Ijaz submitted an application for a new taxi driver licence on 8 January 2020. His application must be considered before 7 January 2021. The applicant has failed to pass the knowledge test despite sitting the knowledge test on two occasions.
- 1.2 Mr Ijaz was initially invited to sit the test February 2020 and due to a procedural irregularity the test was declared null and void and did not count as an attempt. He was then invited to sit the test on 20 February 2020 and he attained 69%. He was then invited on 5 March 2020 and he attained 79%.
- 1.3 The applicant was then invited to sit the test on 19 March 2020, however, this test was cancelled in light of emerging coronavirus advice at that time. As Members will be aware, the impact of the coronavirus pandemic resulted in a national lockdown from 23 March 2020 and all Council offices were immediately closed and Council officers were instructed to work from home where possible. Following Council approval of a risk assessment (with COVID-19 mitigation measures), the licensing offices were opened up on a limited basis for the reintroduction of taxi knowledge tests on 31 August 2020.
- 1.4 Mr Ijaz was then invited to sit the test on 3 September 2020 and did not attend or advise that he was unable to attend. He was provided with further opportunities to sit the test on 18 September and 25 September 2020 and again did not attend or advise that he was unable to attend.
- 1.5 It is the view of officers that the applicant has little prospect in passing the knowledge test and would recommend that the Committee consider refusing the application on the basis that he has not passed the knowledge test.
- 1.6 Mr Ijaz was notified in an email of his failure to pass the knowledge test and that the matter would be considered by the Committee. The letter explained he could submit a letter in support of his application which would form part of this report. At the time of preparing this report no letter has been received.

Mr Hunter

- 1.7 Mr Hunter submitted an application for a new taxi driver licence on 24 January 2020. His application must be considered before 23 January 2021. The applicant has failed to pass the knowledge test despite four attempts.
- 1.8 Mr Hunter was invited to sit the test on 3 February 2020 and attained 63%. He was then invited to attend on 27 February 2020 and attained 70%. Mr Hunter was then invited on 12 March 2020 and attained 69%. He was given a final opportunity to sit the test on 10 September 2020 and attained 64%.
- 1.9 It is the view of officers that the applicant has little prospect in passing the knowledge test and would recommend that the Committee consider refusing the application on the basis that he has not passed the knowledge test.
- 1.10 Mr Hunter was notified in a letter of his failure to pass the knowledge test and that the matter would be considered by the Committee. The letter explained he could submit a letter in support of his application which would form part of this report. At the time of preparing this report no letter has been received.

Mr Thomson

- 1.11 Mr Thomson submitted an application for a new taxi driver licence on 31 January 2020. His application must be considered before 30 January 2021. The applicant has failed to pass the knowledge test despite sitting the test twice.
- 1.12 Mr Thomson was invited to sit the test on 20 February 2020 and attained 60%. He was then invited on 5 March 2020 and attained 55%.
- 1.13 Mr Thomson was then invited to sit the test on 19 March 2020, however, this test was cancelled in light of the emerging coronavirus advice at that time. As Members will be aware, the impact of the coronavirus pandemic resulted in a national lockdown from 23 March 2020 and all Council offices were immediately closed and Council officers were instructed to work from home where possible. Following Council approval of a risk assessment (with COVID-19 mitigation measures), the licensing offices were opened up on a limited basis for the reintroduction of taxi knowledge tests on 31 August 2020.
- 1.14 The applicant was then invited to sit the test on 11 September 2020 and did not attend or advise that he was unable to attend. He was then invited to attend on 8 October and asked to confirm his attendance and if he had not done so 2 days prior to the test then the test would be cancelled and counted as an opportunity. In the absence of any contact from the applicant the test was cancelled on 7 October 2020.
- 1.15 It is the view of officers that the applicant has little prospect in passing the knowledge test and would recommend that the Committee consider refusing the application on the basis that he has not passed the knowledge test.

- 1.16 Mr Thomson was notified in an email of his failure to pass the knowledge test and that the matter would be considered by the Committee. The email explained he could submit a letter in support of his application which would form part of this report. At the time of preparing this report no letter has been received.

2. Recommendation

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

The options available to the Members are:-

- 2.1 (a) to refuse to grant the TAXI DRIVER licences in terms of the Civic Government (Scotland) Act 1982, Section 13 (5) on the ground that the applicant, having failed to pass the knowledge test, has failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates; the layout of roads in the area and of the Council's licence conditions; or**
- (b) to give the applicants a final opportunity to take and pass the knowledge test, and should they fail the knowledge test, to authorise the Chief Governance Officer to refuse the applications without further reference to Committee in terms of the Civic Government (Scotland) Act 1982, Section 13 (5) on the ground 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; the layout of roads in the area and of the Council's licence conditions;**
- (c) if Members are satisfied that there are other relevant circumstances that warrant a departure from policy, to instruct officers to arrange for the applicants to complete a medical self-declaration; and should there be issues with the medical to remit the matter back to Committee for consideration; should there be no issues with the medical to authorise the Chief Governance Officer to grant the TAXI DRIVER licences.**

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Chief Governance Officer

Date: 23 October 2020

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

LIST OF BACKGROUND PAPERS

None