

The background of the slide features a large, light blue crest of the University of Alberta. The crest is a shield divided into four quadrants. The top-left quadrant shows a stylized building. The top-right quadrant shows a stag's head with antlers. The bottom-left quadrant shows a sailing ship on wavy lines representing water. The bottom-right quadrant shows a beaver. Above the shield is a crown with four maple leaves. Below the shield is a banner with the motto 'ANNE FOR A'.

## **Agenda Item 5**

### **Knowledge Test Failures**

**Falkirk Council**

**Subject: Knowledge Test Failures**  
**Meeting: Civic Licensing Committee**  
**Date: 9 December 2020**  
**Author: Chief Governance Officer**

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

- 1.1 Mr Haw submitted an application for a new taxi driver licence on 29 January 2020. His application must be considered before 28 January 2021. The applicant has failed to pass the knowledge test despite sitting the knowledge test as detailed below.
- 1.2 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 on a limited basis for the reintroduction of taxi knowledge tests on 31 August 2020.
- 1.3 Mr Haw was given opportunities to sit the knowledge test as follows:
  - 1.3.1 On 5 March 2020 – he sat the test and attained 73%.
  - 1.3.2 On 24 September 2020- he sat the test and attained 74%.
  - 1.3.3 On 22 October- he sat the test and attained 75%.
  - 1.3.4 On 29 October 2020- he sat the test and attained 81%.
- 1.4 It is the view officers that the applicant has shown steady improvement with the most recent attempt just 4% below the pass rate and would recommend that the Committee consider affording the applicant a final opportunity to sit and pass the test. Should Members be minded to give the applicant another opportunity to pass the test, it is suggested that it be delegated to officers to refuse the application should the applicant fail the test.
- 1.5 Mr Haw 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/ email in support of his application which would form part of this report. At the time of preparing this report no letter/ email has been received.

## **Mr Buchanan**

- 1.6 Mr Buchanan submitted an application for a new taxi driver licence on 5 March 2020. His application must be considered before 4 March 2021. The applicant has failed to pass the knowledge test despite sitting the knowledge test as detailed below.
- 1.7 Mr Buchanan was given opportunities to sit the knowledge test as follows:
  - 1.7.1 On 15 September 2020- he contacted the licensing office to confirm he was unable to attend.
  - 1.7.2 On 29 September 2020 - he contacted the licensing office to confirm he was unable to attend.
  - 1.7.3 On 5 October 2020 -he sat the test and attained 60%.
  - 1.7.4 On 16 October 2020- he did not attend or advise that he was unable to attend.
  - 1.7.5 On 22 October 2020- he contacted the licensing offices to advise he was unable to attend.
  - 1.7.6 On 26 October 2020 -he did not attend or advise that he was unable to attend.
  - 1.7.7 On 30 October 2020 -he sat the test and attained 71%.
- 1.8 It is the view of officers that the applicant has shown improvement but is still some way short of passing the knowledge test. His failure to notify the licensing office of his inability to attend arranged tests has resulted in him only sitting two tests and it may be that Members consider affording the applicant another attempt. Should Members be minded to give the applicant another opportunity to pass the test, it is suggested that it be delegated to officers to refuse the application should the applicant fail the test.
- 1.9 Mr Buchanan 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/email in support of his application which would form part of this report. Mr Buchanan emailed the licensing section and has asked that Members consider giving him another opportunity to sit and the pass the knowledge test.

## **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 grant the TAXI DRIVER licences.**

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**Chief Governance Officer**  
**Date: 30 November 2020**

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

**LIST OF BACKGROUND PAPERS**

None