

Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 23 April 2024

Application for Private Hire Driver's Licence – Waseem Abuaglain

Executive/routine

Wards

All

Council Commitments

Executive Summary

An application for a new Private Hire Driver's Licence has been received by the Licensing Service.

The applicant claims that he has been unable to provide criminal convictions certificates from Palestine and is therefore referred to the Committee to determine whether the application should be treated as an exemption to policy.

On 6 February 2018 the Regulatory Committee decided that it would amend its policy to allow existing taxi and PHC drivers who were unable to obtain the relevant criminal convictions check to apply for a licence renewal. However, this is a new application and therefore does not apply.

Application for Private Hire Driver's Licence - Waseem Abuaglaine

1. Recommendations

- 1.1 After hearing from Council officers, the Police and the relevant licence holder, the committee will be required to decide:
 - 1.1.1 whether the applicant should be exempt from the requirement to obtain a criminal history certificate; and thereafter
 - 1.1.2 whether to grant or refuse the licence.

2. Background

- 2.1 On 6 February 2018 the Regulatory Committee decided that it would amend existing policy to allow existing taxi and PHC drivers who were unable to obtain the relevant criminal convictions check to apply for a licence renewal.
- 2.2 These applications would be referred to the Licensing Sub-Committee to determine if the applicant should be exempt from the requirement to produce the requested criminal convictions certificate.
- 2.3 The applicant was born in Palestine and resided there until arriving in the UK on 24 August 1999. Home Office guidance does not provide a recognised method of obtaining criminal records checks from Palestine.
- 2.4 The applicant held a City of Edinburgh Council Private Hire Driver's Licence for four years, that licence expiring in 2000. He meets DVLA group 2 medical standards and has passed the foundation skills training course for hire car drivers. There is no objection from Police Scotland to the grant of this licence.

3. Main report

- 3.1 Mr Abuaglaine has submitted an application for a Private Hire Driver's Licence (Appendix 1). The application has completed internal and Police checks without attracting comment.
- 3.2 The application was received by the Licensing Service on 5 February 2024 and was assessed as incomplete as Mr Abuaglaine had not provided criminal convictions checks from Palestine in accordance with Council policy.

- 3.3 Mr Abuaglaine has submitted a request to be exempted from policy with respect to the requirement to provide a certified criminal convictions certificate.
- 3.4 The application is referred to the Committee for consideration of whether or not Mr Abuaglaine should be considered an exception to the policy and the licence granted.

4. Measures of success

- 4.1 Not relevant, as decisions on individual licences have to be considered on their own merits.

5. Financial impact

- 5.1 None, as the costs of these matters are recovered through taxi and private hire car vehicle and driver licence application fees.

6. Risk, policy, compliance and governance impact

- 6.1 The licence holder has a right of appeal against any decision made. The appeal lies to the Sheriff Court.

7. Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report, as decisions on individual licences have to be considered on their own merits.

8. Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9. Consultation and engagement

- 9.1 None.

10. Background reading/external references

- 10.1 [Production of Criminal Records and Evidence of Right to Work in the UK by Taxi and Private Hire Driver's Licence Applicants](#) to Regulatory Committee on 16 September 2016.

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11. Appendices

11.1 Appendix 1 - application