

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

11 MAY 2011

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE
NO EA/TD 113 – JAMES McCLUSKEY**

Report by Executive Director of Finance and Corporate Support

1. PURPOSE OF REPORT

- 1.1 To invite the Panel to consider suspension of Taxi Driver's Licence No EA/TD 113 by way of a Hearing.

2. BACKGROUND

- 2.1 The Licensing Sub-Committee of the Community Services Committee, at the meeting held on 13 January 1999, agreed that all licensed Taxi and Private Hire Car Drivers must undertake an approved course of training in disability awareness and meet the required standard of competency and that a condition to this effect be added to the standard conditions for Taxi and Private Hire Car Drivers.
- 2.2 James McCluskey was originally granted a licence to drive a taxi on 19 July 2010 and this licence will expire on 18 July 2013.
- 2.3 The licence holder has been invited to attend the disability awareness training sessions on 15 October 2010, 20 January and 7 April 2011 but has failed to do so. Attempts have been made to contact the licence holder and the last letter was sent by Recorded Delivery (copy attached at Appendix 1).
- 2.4 Failure to undertake the approved disability awareness training course is a breach of Condition 32 attached to Taxi Driver's Licences and Condition 34 on Private Hire Car Driver's Licences.

3. DISCUSSION

- 3.1 The licence holder has been invited to attend the meeting today and has been provided with a copy of this report.
- 3.2 To date, no response has been received from the licence holder.
- 3.3 Strathclyde Police have intimated that they do not wish to be heard.

4. FINANCIAL IMPLICATIONS

- 4.1 Nil.

5. LEGAL IMPLICATIONS

- 5.1 In terms of Paragraph 11(2)(d) of Schedule 1 to the Civic Government (Scotland) Act 1982 a Licensing Authority may, in accordance with the provisions of that paragraph, order the suspension of a licence if in their opinion a condition of the licence has been contravened.
- 5.2 In terms Paragraph 11(7) of Schedule 1 to the Act, a Licensing Authority in considering whether or not to suspend a licence may, but before deciding to do so shall give the holder of the licence, any person who has made a relevant complaint and the Chief Constable an opportunity to be heard by the Licensing Authority.
- 5.3 In terms of the above paragraph, the licence holder has been invited to attend the meeting today and has been provided with a copy of this report.

6. POLICY IMPLICATIONS

- 6.1 Nil.

7. CONCLUSIONS

- 7.1 Despite having been given a number of opportunities to attend the approved course in disability awareness training, the licence holder has failed to attend.
- 7.2 The licence holder is therefore in breach of Condition 32 attached to his Taxi Driver's Licence.

8. RECOMMENDATION

- 8.1 It is recommended that the Panel consider the Suspension of the Taxi Driver's Licence No EA/TD 113 by way of a Hearing.

Alex McPhee
Executive Director of Finance and Corporate Support

AMcP/GK
20 April 2011

LIST OF BACKGROUND PAPERS

1. Licensing file No EA/TD 113.

Any person wishing to inspect the background papers listed above should telephone 01563 576061 and ask for Mr David Mitchell, Head of Legal, Procurement and Regulatory Services or email on david.mitchell@east-ayrshire.gov.uk