

# AGENDA ITEM NO.....!

## EAST AYRSHIRE COUNCIL

### LOCAL GOVERNMENT LICENSING PANEL

29 JULY 2010

#### CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO EA/TD 1083 – ALISON FLEMING

##### 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 1083 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 Alison Fleming was originally granted a licence to drive a taxi on 30 November 2007 and this licence will expire on 29 November 2010.
- 2.3 The licence holder has been invited to attend the disability awareness training sessions on 17 March, 31 March and 14 April 2010 but has failed to do so. Attempts have been made to contact the licence holder to discuss the matter without success 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 1083 by way of a Hearing.

**Alex McPhee**  
**Executive Director of Finance and Corporate Support**

AMcP/GK  
11 June 2010

### **LIST OF BACKGROUND PAPERS**

1. Licensing file No EA/TD 1083

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](mailto:david.mitchell@east-ayrshire.gov.uk)

Head of Legal, Procurement and Regulatory Services  
Solicitor to the Council: David Mitchell  
Council Headquarters, London Road, Kilmarnock KA3 7BU

Legal Post – LP 18 DX KK-23

Direct Dial: (01563) 554618 Fax: (01563) 576179

E mail: [amy.miller@east-ayrshire.gov.uk](mailto:amy.miller@east-ayrshire.gov.uk)

If telephoning or calling please ask for: Amy Miller

Our Ref: DM/AM

7 April 2010

Alison Fleming  
45 Heathfield Road  
AUCHINLECK  
KA18 2JD

Dear Madam

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
TAXI/PRIVATE HIRE CAR DRIVER LICENSING - DISABILITY AWARENESS TRAINING**

Further to previous correspondence in connection with the above, may I remind you that it is a condition of your licence that you undertake a Disability Awareness Training course.

I note from my records that you have been invited to but have failed to attend disability awareness training on **two** occasions. Such non-attendance constitutes a breach of your licence conditions and failure to attend on the undernoted date will result in the matter being reported to the Local Government Licensing Panel for consideration of suspension of your licence in terms of Paragraph 11 of Schedule 1 of the above Act.

**Accordingly, you must arrange to attend the training session detailed below. Please telephone Amy Miller (Tel 01563 554618) to confirm your attendance on this date.**

Yours faithfully

*DMitchell*

Head of Legal, Procurement and Regulatory Services

**DATE AND TIME: Wednesday 14 April 2010  
10am to 12pm**

**LOCATION: Bellfield Community Centre  
193b Whatriggs Road, Kilmarnock**



**East Ayrshire**  
COUNCIL

TD 1083

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