

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL
29 JULY 2010

CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE
NO EA/TD 1241 – JAMES SMITH

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 1241 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 Smith was originally granted a licence to drive a taxi on 13 March 2009 and this licence will expire on 12 March 2012.
- 2.3 The licence holder has been invited to attend the disability awareness training sessions on 21 April, 12 May and 26 May 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 1241 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 1241

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

Department of Finance and Corporate Support
Executive Director: Alexander McPhee ACMA

Clerk to the Licensing Board
David Mitchell

Direct Dial : (01563) 554618 Fax: (01563) 576179
Email : amy.miller@east-ayrshire.gov.uk
If telephone or calling please ask for: Amy Miller



East Ayrshire
COUNCIL

Our Ref: DM/AM

19 May 2010

James Kerr Smith
24 South Hamilton Street
Kilmarnock
East Ayrshire
KA1 2DN

Dear Sir

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

Head of Legal, Procurement and Regulatory Services

DATE AND TIME: Wednesday 26 May 2010
1pm to 3pm

LOCATION: Bellfield Community Centre
193b Whatriggs Road, Kilmarnock

Royal Mail
recorded **1st or 2nd class**

Signed for

Standard postal service with signature and barcode scanning on delivery. Ideal for items you might need to prove were received, like job applications or legal documents.

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