

EAST AYRSHIRE COUNCIL

**LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES
COMMITTEE – 16 MAY 2001**

**CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE NO
EA/TD 158 – WILLIAM MCGHEE**

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 To invite the Sub-Committee to consider suspension of Taxi Driver's Licence Number EA/TD 158.

2. BACKGROUND

- 2.1 William McGhee has been licensed to drive a taxi since 26 July 1994. His current licence was renewed on 21 August 2000 and is valid until 25 July 2003.
- 2.2 At the meeting of the Sub-Committee on 21 March 2001 it was agreed to continue consideration of the suspension of Taxi Driver's Licence number EA/TD 158 in order that the Licensee and/or his representative and Strathclyde Police might be invited to attend a Hearing on the application.
- 2.3 A copy of the report by the Director of Community Services dated 2 March 2001 is attached at Appendix 1 to this report.

3. DISCUSSION

- 3.1 No communication has been received from the licence holder.
- 3.2 Strathclyde Police have intimated that they do not wish to be heard.

4. FINANCIAL IMPLICATIONS

- 4.1 Nil.

5. LEGAL AUTHORITY/IMPLICATIONS

- 5.1 In terms of Schedule 1 Paragraph 11 of 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 of Schedule 1, Paragraph 11(7) 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.

6. POLICY IMPLICATIONS

6.1 Nil.

7. CONCLUSIONS

7.1 The Licensing Authority may consider the report by the Director of Community Services dated 2 March 2001 and information provided during the course of the Hearing, in reaching a decision.

8. RECOMMENDATION

8.1 It is recommended that the Sub-Committee consider the Suspension of the Taxi Driver's Licence No EA/TD 158 by way of a Hearing.

William Stafford
Director of Community Services

WS/GS

26 April 2001

LIST OF BACKGROUND PAPERS

1. Licensing file No EA/TD 158.

Any person wishing to inspect the background papers listed above should telephone 01563 576111 and ask for Mr John Crawford, Head of Protective Services or e-mail on john.crawford@east-ayrshire.gov.uk.

EAST AYRSHIRE COUNCIL

LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE – 21 MARCH 2001

CONSIDERATION OF SUSPENSION OF LICENSED DRIVERS

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 To advise the Sub-Committee of a number of licensed Taxi or Private Hire Car Drivers in breach of Condition 19 attached to their respective licences.

2. BACKGROUND

- 2.1 The Licensing Sub-Committee, at the meeting held on 13 January 1999, agreed that all Taxi and Private Hire Car drivers must undertake the approved course of training in Disability Awareness and meet the required standard of competency, and that a condition to this effect (Condition 19) be added to the standard conditions for Taxi and Private Hire Car Drivers.

3. DISCUSSION

- 3.1 The licensed drivers detailed in the appendix to this report have been invited to attend at least three Disability Awareness Training courses since their licences were granted.
- 3.2 The Licensees have failed to attend as requested.
- 3.3 Failure to undertake the approved course of training in Disability Awareness is a breach of Condition 19 attached to Taxi and Private Hire Car Driver's Licences.

4. FINANCIAL IMPLICATIONS

- 4.1 Nil.

5. LEGAL AUTHORITY/IMPLICATIONS

- 5.1 In terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 a Licensing Authority may, whether upon a complaint made to them or not, suspend a licence in accordance with the provisions of that paragraph. The licensees detailed in the appendix have been advised of the contents of this report.

5.2 A Licensing Authority may order the suspension of a licence if in their opinion a condition of the Licence has been contravened.

5.3 In terms of 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 and the Chief Constable an opportunity to be heard by the Licensing Authority.

6. POLICY IMPLICATIONS

6.1 Nil.

7. CONCLUSIONS

7.1 Despite having been given three or more opportunities to undertake the approved course in Disability Awareness Training, the licensees detailed in the appendix have failed to attend.

8. RECOMMENDATION

8.1 It is recommended that the Sub-Committee consider the contents of the report and determine whether to consider at a future meeting, suspension of all or any of the Taxi or Private Hire Car Drivers Licences, and if so determined, to invite the licensee(s) and the Chief Constable to attend a Hearing on the matter.

William Stafford
Director of Community Services

2 March 2001

WS/GS

LIST OF BACKGROUND PAPERS

1. Licensing files Nos. EA/TD 147, EA/TD 158 and EA/TD 488
2. Standard conditions attached to Taxi/PHC Driver's Licence.

Any person wishing to inspect the background papers listed above should telephone 01563 576111 and ask for Mr John Crawford, Head of Protective Services or email john.crawford@east-ayrshire.gov.uk.

APPENDIX

EA/TD 147 – Anne Doogan, 18 High Glencairn Street, Kilmarnock.

Licence renewed by East Ayrshire Council on 24 July 2000 and valid until 29 June 2003.

EA/TD 158 – William McGhee, 4 Western Road, Galston.

Licence renewed by East Ayrshire Council on 21 August 2000 and valid until 25 July 2003.

EA/TD 488 – Keith McKenzie, 108 Bonnyton Road, Kilmarnock.

Licence granted by East Ayrshire Council on 11 September 2000 and valid until 10 September 2003.

AGENDA