Exples 31/8/21

Partnership & Performance



Chlach Mhanann

www.clacks.gov.uk

Civic Government (Scotland) Act 1982 **Individual Application** Application for the Grant or Renewal of a Taxi Licence or Private Hire Car Licence

Each question must be answered

THIS PAPER RELATES TO ITEM 4c

Each question must be a	anoworou.				
	Surna	ame	F	ON	THE AGENDA
Full Name	SWEEN		EI	Amod	
Home Address (Including Postcode)					
Telephone Number					
Age, Date & Place of Birth	Years	Date o	f Birth	Place of	Birth
Type of licence applied fo	r?		or Private	newal e Hire Car	
Has the vehicle been previously licensed as a taxi or hire of	viously car?		Yes/N	6	
Please state Plate Numb State type of last licence, licensed and date of licen	to whom	6-1	PRIV	ATE HI	ne
Trading Name of Compar	ny	Kamou	15 C	~B-S	
If applicant does not propoperate the vehicle himse Full name:	ose to elf, state:				
Full address of the person who will manage the open vehicle.	n or persons ration of the				
Registration Number		of First tration		cc. Rating	
	09-03	3-2016	1.		
			Eat	ate or Salo	
Make	Mo	odel	ESI	ate or oale	PAID

Number of Doors	Number of	Passengers	Fuel Type
4	6		DIESEL
Colour	Colour/Artw	ork Number	Measurements Across Back Seat
BLUE	BL	.UE	51
Chassis Number			
Is this vehicle wheelchai	raccessible		Yes/No
Address of premises who be kept	ere vehicle is		
During what hours and o will the vehicle be availa	n what days ble for hire	24 H	IRS POSSIBLE

The Rehabilitation of Offenders Act 1974 does not prevent the Council considering "spent" convictions for this type of licence unless they are protected convictions. You should include any driving offences or penalties. This may also include any overseas convictions. Please note that it is an offence if you fail to disclose convictions. If you have none, please state "none" in the box below.

ALLOA	5P30	3 Points \$100.00 Fine
cheister	5850	
		3 points \$100.00 fine
		, , , ,

I declare that the particulars given by me on this form are true and I hereby make application to Clackmannanshire Council for the grant or renewal of the licence applied for.

The Licensing Administrator Clackmannanshire Council Kilncraigs Alloa FK10 1EB

If you require any further information please contact the Licensing Administrator on telephone number 01259 452093 or email address <u>licensing@clacks.gov.uk</u>

*Data Protection Act 1998

The information on this Form may be held on an Electronic Public Register which may be available to Members of the Public on Request. 20

21/00260/PHNEH

Community & Regulatory Services



Civic Government (Scotland) Act 1982 Individual Application Application for the Grant or Renewal of a Taxi Licence or Private Hire Car Licence

	Surr	name	F	First Name
Full Name	Swi	EENEY	EF	home
Home Address (Including Postcode)				
Telephone Number				
Age, Date & Place of Birth	Years	Date	of Birth	Place of Birth
Type of licence applied for	r?		-Iax	
			or Private Hi	ro Cor
If applicant does not propoperate the vehicle himse Full name:			Tivate I III	o oui
Full address of the persor who will manage the oper vehicle.				
Registration Number	Date o Regist		C	cc. Rating
	25 -11	-2016	1	.5
Make	Мо		Esta	ite or Saloon
DACIA	LOGA	Nev	É,	state
Number of Doors	Number of F	Passengers		uel Type
5	4			55EL
Colour	Colour/Artwo			rements Across Back Seat
BLACK	พ่อช 5	UNE	5.	/
Chassis Number			110	

Has the vehicle been previously licensed as a taxi or hire car?	Yøs/No
If so, state type of last licence, to whom licensed and date of licence.	
Address of premises where vehicle is to be kept	
During what hours and on what days	0800 - 2300 Hus
will the vehicle be available for hire	7 04YS

Please state particulars of any convictions or pending cases, including contraventions of Byelaws, Road Traffic Offences and Environmental Health/Food Hygiene Offences? YES/NO. If so, give particulars below. (If

none please state "NONE")

Date	Court	Offence	Sentence
17-10-2019	ALLOH	5030	3 Points Plus Zico. Us Fine
16-11-2016	CHESHIRE	5850	3 Points Prus £100.00 Fine

I declare that the particulars given by me on this form are true and I hereby make application to Clackmannanshire Council for the grant or renewal of the licence applied for.

Signature of applicant

Date 30-07-7071

Please return the completed form together with the relevant fee to:

The Licensing Administrator Clackmannanshire Council Kilncraigs Alloa FK10 1EB

If you require any further information please contact the Licensing Administrator on telephone number 01259 452093 or email address licensing@clacks.gov.uk

N.B. Any person who in or in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

Partnership and Performance

Kilncraigs, Greenside Street, Alloa, FK10 1EB

Telephone: 01259 450000

Memo

To: Lindsay Thomson Senior Manager

Legal and Governance

Kilncraigs Alloa

FK10 1EB

From: Paul Fair, Licensing Standards Officer

Extension: 01259 452091

Email: pfair@clacks.gov.uk

Our Ref: PF/CLSO/T1655/PH1/PH21

Your Ref: 19/00797/TD3

Date: 26 August 2021

Civic Government (Scotland) Act, 1982
Application for the Renewal of Private Hire Car Licence PH1 and Other Matters including the grant of a new Private Hire Car Operators Licence.

Eamon Sweeney

- 1. In terms of Schedule 1, paragraph 3 of the Civic Government (Scotland) Act, 1982 (the Act) I wish to make a representation in relation to the renewal of private Hire car licence PH1 currently held by Eamon Sweeney and the grant of a new private hire car operators licence.
- 2. This representation asks that the Regulatory Committee consider the information contained in paragraphs 3-44, before coming to a decision as to whether or not to renew and grant the licences applied for.
- 3. The representation further asks that the Regulatory Committee consider the position of the other 3 licences held by Mr Sweeney (T1655, PH21 and T4).
- 4. The representation centres around the declaration of a speeding conviction from 2016, on the application to renew the operators licence, lodged by Mr Sweeney, in relation to Private Hire Car PH1.
- 5. Mr Sweeney has confirmed that he is the only person that has ever completed and signed any application in his name.
- 6. Mr Sweeney currently holds 3 licences issued to him, and is the joint holder of a 4th licence with another taxi operator where he is named as the day to day manager.
- 7. The full details of the licences held by Mr Sweeney are listed in appendix A, and will be referred to in this document as T1655, PH1, PH21 and T4.
- 8. **Taxi Driver Licence No. T1655**: Sometime prior to 2019 Mr Sweeney was granted Taxi Driver licence No T1655, records relating to his original application have been destroyed.
- 9. On 17 or 19 October, 2019 Mr Sweeney accepted a fixed penalty notice of 3 penalty points and a £100 fine in relation to a speeding offence involving a taxi being then used in Clackmannanshire.
- 10. In accordance with the conditions of his taxi driver licence Mr Sweeney correctly notified the licensing Authority of this conviction. He is aware of this responsibility.
- 11. On the renewal application dated 23 December 2019 relating to taxi driver licence No T1655, Mr Sweeney declared 2 convictions, the first was the conviction of 19 October, 2019 (although dated 17 October) and the other declared as "expired, 9970 Leeds, SP50, 3 points, £100 fine"

- 12. The keyword in the declaration of the second conviction is "expired" as such the Licensing Authority took no consideration of that conviction.
- 13. The matter of the relevant and recent conviction was reported to the Regulatory Committee, and at a hearing, which only considered the impact of this single conviction on his fitness to hold a licence, the licence was granted with no additional conditions, albeit for a restricted period of 1 year instead of the 3 year period applied for.
- 14. The conviction of 17/19 October, 2019 relates to driving motor vehicle at excessive speed-(43 mph in a 30mph area). The vehicle was a taxi and in use at the time, however Mr Sweeney stated there were no passengers in the vehicle when the offence was detected by the Camera Safety Partnership.
- 15. **Private Hire Car Operator Licence No. PH21**: On 22 April 2021, Mr Sweeney applied for this licence, completed the application form and declared a single conviction on the application form. The conviction declared was the 2019, speeding conviction previously referred to. On the basis of this, the application was granted under delegated powers.
- 16. **Private Hire Car Operator Licence No. PH1**: Sometime prior to August 2019 (earlier records have been deleted) Mr Sweeney was granted private hire car licence No PH1, on the application to renew this licence dated 31 July 2020, Mr Sweeney has declared two speeding convictions, 1 is the 2019 conviction previously mentioned and the other is declared in the following terms "11-2016, Cheshire, SP50, 3 points £100 fine".
- 17. This is the first time the "2016" conviction appears in these terms on any licensing application lodged by Mr Sweeney.
- 18. The 2016 conviction relates to an incident where Mr Sweeney was driving an HGV at excessive speed through a speed restriction connected to ongoing roadworks on a motorway. He believes the incident was on the M6 near Knutford.
- 19. The renewal of PH1 was granted in August 2020.
- 20. On 16 July, 2021, Mr Sweeney lodged a further renewal application for PH1, and on this occasion 2 convictions are declared, the "2019" conviction and on this occasion the "2016" Conviction is declared in slightly different terms, "16-11-2016, Cheister (sic), SP50, 3points £100.00 Fine".
- 21. During the consultation process I recalled that Mr Sweeney had previously appeared before the Regulatory Committee, and that the report only referred to a single conviction.
- 22. **Private Hire Car Operator (Unallocated No.) New Application**: On 30 July, 2021 Mr Sweeney lodged an application for a new private hire car licence, on the application, Mr Sweeney has declared two speeding convictions, 1 is the 2019 conviction previously mentioned and the other is declared in the following terms "16-11-2016, Cheshire, SP50, 3 points plus £100 fine".
- 23. **Taxi Operator Licence T4**: Mr Sweeney is named on this licence as a day to day manager only, the principal licence holder is another taxi operator. No convictions relating to Mr Sweeney have ever been declared on the application for this licence, which is issued jointly in the name of the principal partnership and Mr Sweeney.
- 24. Research of all licence applications made by Mr Sweeney revealed the anomalies described in the preceding paragraphs.
- 25. There is a clear potential benefit from a failure to correctly declare convictions on an application for any taxi driver or taxi/private hire car operator licences.
- 26. It is well known in the taxi/phc trade in Clackmannanshire, that the Regulatory Committee has taken a robust stance on licensed drivers who have collected multiple convictions or fixed penalties relating to driving matters, particularly where they relate to public safety issues such as speeding.

- 27. In this case had the second conviction been brought to the attention of the Regulatory Committee at the hearing of 27 October, 2020, they may have come to a different decision in relation to Mr Sweeney's taxi driver licence.
- 28. In an effort to establish whether or not the repeated omission of the "2016" conviction from a number of application forms was deliberate, an oversight or perhaps even a misunderstanding of the disclosure requirements, Mr Sweeney was interviewed (by telephone) on 26 August, 2021, in relation to the discovery.
- 29. Mr Sweeney's explanation was noted as he made it, and read back to him to confirm it had been noted accurately. Paragraph 28 contains the comments made by Mr Sweeney.
- 30. "I have always put the two convictions on every application I have made. They are certainly on them all, I know the older one is not yet spent, and that I still have to put it on, I think its November this year that its spent. Every time I have done an application I have definitely put them both on the forms. If you have the forms I handed in they are certainly both on every one".
- 31. As can be seen Mr Sweeney is adamant, and this position was clarified several times during the call, that both convictions have been declared on each occasion he has lodged an application. He actually made comment that if they (the convictions) were not on the form then they must have "disappeared", however although he subsequently accepted that this was an unreasonable supposition he remained unwavering from his position that he had always correctly declared both convictions.
- 32. Due to Mr Sweeney's position of certainty that it was declared on each occasion he was required to do so, I am unable to draw any inferences or form any opinion as to why the "2016 conviction" was omitted from a number of applications forms.
- 33. Digital copies of the application forms referred to will be included with this report and these copies are images of the original documents, which are scanned on receipt by the licensing team.
- 34. The final matter of concern is connected to a complaint made in relation to the conduct of Mr Sweeney, whilst operating a taxi of Private hire car in Alloa.
- 35. The circumstances of the event are that on 17 May, 2021, a driver employed by a competing company collected a properly pre booked fare from outside the Asda Supermarket.
- 36. The passenger was a 69 year old lady.
- 37. At the time of the pick Mr Sweeney was in the vicinity of the pick up point calling out for a passenger by name who did not come forward.
- 38. The complainer drove off with the fare, however noticed that Mr Sweeney was now following him closely in his car.
- 39. The complainer stopped at his destination in Sauchie and as he was assisting the 69 year old fare from the vehicle Mr Sweeney approached him and made accusations that the fare had been "stolen" from a booking made to Mr Sweeney.
- 40. The complainer suggested Mr Sweeney was aggressive and demanded his name and address.
- 41. A short debate ensued, which resulted in the elderly lady becoming upset and distressed as she was made to feel that the incident was her fault.
- 42. When spoken to in relation to this matter Mr Sweeney stated, initially that he could not remember the incident, then changed his position to claim that the incident could not have happened as he would have remembered it.
- 43. I am aware that there are frequent debates and disputes between taxi drivers in Clackmannanshire, however such incidents occurring the presence of fare paying passengers, which place those customers in a state of upset or distress are unacceptable.

44. In all the circumstances the Regulatory Committee are asked to consider whether or not Mr Eamon Sweeney continues to be a fit a proper person to hold any of the licences (PH1, PH21, T4, and T1655) granted to him by Clackmannanshire Council, and whether or not he is a fit an proper person to hold the new Private Hire Car licence he has applied for.

Paul Fair

Civic Licensing Standards Officer.

Appendix A

List and details of Taxi/PHC licences Held by Mr Eamon Sweeney.

Plate/Badge No	Type of Licence	Date of issue	Date of expiry
PH1	Private Hire Car Operator Licence	31 August 2020	31 August 2021
PH21	Private Hire Car Operator Licence	31 May 2021	31 May 2022
T4 (named only as day to day manager)	Taxi Operator licence	30 April, 2021	30 April 2022
T1655	Taxi Driver Licence (3yrs)	31 January 2021	12 July 2022 (Due to DL expiry)*
PH (Unallocated No.)	Private Hire Car Operator	Not yet granted.	Applied for 31/07/2021

ExliRES 31/1/21

21/00030/783

Partnership & Performance Sergions E



2 0 JAN 2021

Civic Government (Scotland) Act 1982 Application for the Grant or Renewal of a Taxi Driver's Licence or a Private Hire Car Driver's Licence

Surname	SWEENEY	First Name EA	MON FRANCES
Home Address (Including Postcode)			
Telephone Number			
Age	Date of Birth	Place of Birth	
Type of licence applied for (Please tick only 1)	or? Taxi Driver 😾 or	Private Hire Car Drive	er
If previously licensed, st most recent identification	ate date and number shown on on badge	31-01-202	T 1655
If previously refused a li	cence give type and date		
Whether for grant or renewal? (Please tick only 1)		Grant	Renewal 🔀
Which licence are you a (Please tick only 1)	pplying for?	1 year	3 years
_	ny continuous period of twelve e of this application a full driver's e Road Traffic Act 1988?	Yes	No
How long have you bee	n driving motor vehicles?	OVER ZI	YEARS
Do you intend to work as a driver as a full time occupation?		Yes	No
If no give further particu	lars		
Name and address of th you will drive.	e operator whose vehicle	working my self	· .

Are you subject to any dis fitness as a driver?	ability likely to affect your	Yes	No 🔀	
If yes, state nature				
Do you suffer from any medical conditions that require you to notify the DVLA?		Yes	No 🔀	
Do you have the right to v	vork In the UK?	Yes 🔀	No 🗌	
You will need	d to provide original documer Applicants Right to		ance Notes for	
this type of licence unless convictions. You should in penalties. This may also in convictions. Please note i	dering "spent" convictions for they are protected nclude any driving offences or nclude any overseas	Yes 😾	No	
If yes, give particulars belo	w .			
Date	Court	Offence	Sentence	
17-10-2019	ALLOA	SP30	3 Poid 15 Fine \$100	
	rticulars given by me o mannanshire Council fo			
Signature of applicant		30.00		
	11-01-2021			
Date	11-01-20	て 1		

The Licensing Administrator

Clackmannashire Council

Kilncraigs

Alloa

FK10 1EB

If you require any further information please contact the Licensing Administrator on tel: 01259 452093 or email licensing@clacks.gov.uk

N.B. Any person who in or in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

Clackmannanshire Council has a duty to protect public funds that it administers and may use this information for the protection and detection of fraud. For more details, please contact Senior Auditor, on tel: 01259 452000

CLACKMANNANSHIRE

2/100133/PHVEH

Community & Regulatory Services

-5 MAY 2021



www.clacksweb.org.uk

Civic Government (Scotland) Act 1982 **Individual Application**

Application for the Grant or Renewal of a Taxi Licence or Private Hire Car Licence

	Surr	iame	First N	lame
Full Name	SWEE	161	EAMO	N
Home Address (Including Postcode)				
Telephone Number				
Age, Date & Place of Birth	Years	Date o	of Birth Pla	ce of Birth
Type of licence applied fo	r?		_ 	
PRIVATE 1	liné can	F	or rivate Hire Ca	<u>r</u>
If applicant does not propose to operate the vehicle himself, state:		GRANT		
Full name:				
Full address of the persor who will manage the oper vehicle.				Parti j
Registration Number		of First tration	cc. Ra	ating
	NOVEMBE	12018	1.5	
' Make	Mo	del	Estate or	Saloon
CITROEN	SPACETOURER		People	prrier
Number of Doors	Number of	Passengers	Fuel 7	
	8		D1651	
Colour	Colour/Artw	ork Number	Measureme Back	
GREY	dor	40n E	52	
Chassis Number				

Has the vehicle been previously licensed as a taxi or hire car?	Y ps/No
If so, state type of last licence, to whom licensed and date of licence.	
Address of premises where vehicle is to be kept	
During what hours and on what days will the vehicle be available for hire	24 HRS 7 DAYS

Please state particulars of any convictions or pending cases, including contraventions of Byelaws, Road Traffic Offences and Environmental Health/Food Hygiene Offences? YES/NO. If so, give particulars below. (If

none please state "NONE")

Date	Court	Offence	Sentence
(9-10-2019	VA ССОИ	5P30	3 Points \$100.00 Fine

I declare that the particulars given by me on this form are true and I hereby make application to Clackmannanshire Council for the grant or renewal of the licence applied for.

Signature of applicant

Date3.7. -. 0.4. .. 7071

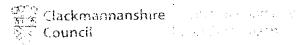
Please return the completed form together with the relevant fee to:

The Licensing Administrator Clackmannanshire Council Kilncraigs Alloa FK10 1EB

If you require any further information please contact the Licensing Administrator on telephone number 01259 452093 or email address <u>licensing@clacks.gov.uk</u>

N.B. Any person who in or in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

Parmership & Performance



Civic Government (Scotland) Act 1982 Individual Application Application for the Grant or Renewal of a Taxi Licence or Private Hire Car Licence

Each question must be answered

- 4 AUG 2020

	Surname		F	First Name	
Full Name	5WEE	SWEENEY		EAMON	
Home Address (Including Postcode)					
Telephone Number				·	
Age, Date & Place of Birth	Years	Date o	of Birth	Place of Birth	
Type of licence applied fo	r?	Grant/Renewal Taxi or Private Hire C			
	Has the vehicle been previously licensed as a taxi or hire car?		Yes/	lo	
Please state Plate Number Held State type of last licence, to whom licensed and date of licence.		PH 1 EMMON SWEENEY			
Trading Name of Compar	ıy	AA-ALLON-CARS-LTD			
If applicant does not propoperate the vehicle himse Full name: Full address of the person who will manage the open	elf, state:				
vehicle.		of First		oo Poting	
Registration Number	Regis	Registration		cc. Rating	
		09 03.2016			
Make	 	Model		ate or Saloon	
PEUGEOT	5008 1.5 🗪		1	tale	

Number of Doors	Number of Passengers		Fuel Type
4	6		DESIL
Colour	Colour/Artwork Number		Measurements Across Back Seat
BLUE	BLJE		51
Chassis Number	\ \ \		
Is this vehicle wheelchair accessione			1) S/NO
Address of premises where vehicle is to be kept			
During what hours and on what days will the vehicle be available for hire		24 41	L \$

The Rehabilitation of Offenders Act 1974 does not prevent the Council considering "spent" convictions for this type of licence unless they are protected convictions. You should include any driving offences or penalties. This may also include any overseas convictions. Please note that it is an offence if you fail to disclose convictions. If you have none, please state "none" in the box below.

Date	Court	Offence	Sentence
11-2016	cheshine	5850	3 Points Eloo-ou fine
10-2019	ALLONA	51-30	3 Points 2 \$00-00 fina

I declare that the particulars given by me on this form are true and I hereby make application to Clackmannanshire Council for the grant or renewal of the licence applied for.

Signature of applicant .:		Date	31-1-2	.020
Please return the comple	eted form together with the re	elevant fee	to:	

The Licensing Administrator Clackmannanshire Council Kilncraigs Alloa FK10 1EB

If you require any further information please contact the Licensing Administrator on telephone number 01259 452093 or email address <u>licensing@clacks.gov.uk</u>

*Data Protection Act 1998

The information on this Form may be held on an Electronic Public Register which may be available to Members of the Public on Request.

Exlikes 30/4

Clackmannanshire | Comhairle Siorrachd Council

Chlach Mhanann

Partnership & Performance

www.clacks.gov.uk

Civic Government (Scotland) Act 1982 **Non-Natural Person** Application for the Grant or Renewal of a Taxi Licence or Private Hire Car Licence

			1	1
Company or Partnership Name	Keiran	\$	Heather	- Urz
Address of Registered or Principal Office				
Telephone Number				
Full names and private addresses of all directors, partners or other persons responsible for the management of the business	'AS Albon	_عو	-	
Ages, Dates and Places of Birth of all directors, partners or other persons responsible for the management of the business	Years		Date of Birth	Place of Birth
Full name and private add employee or agent who is the day to day management business	to carry on	[a	Mon Swee	444
Type of Licence applied for	or	(Grant/Re Taxi)or Private Hi	re Car Licence
Has the vehicle been previicensed as a taxi or priva			(Yes/I	No
Please state Plate Numb State type of licence, to w licensed and date of licen	/hom		TH	•

Is the vehicle wheelchair accessible		Yes/Mo	
Address of premises where vehicle is to be kept			
During what hours and on what days will the vehicle be available for hire		24/7	
Registration Number	Date of First Registration		cc. Rating
	2014		1948
Make	Model		Estate or Saloon
Citroen	Dispatch		
Number of Doors	Number of Passengers		Fuel Type
6	8.		Heavy Oil
Colour	Colour/Artwork Number		Meast/fements Across Back Seat
grey			
Chassis Number			

The Rehabilitation of Offenders Act 1974 does not prevent the Council considering "spent" convictions for this type of licence unless they are protected convictions. You should include any driving offences or penalties. This may also include any overseas convictions. Please note that it is an offence if you fail to disclose convictions. If you have none, please state "none" in the box below.

itence
VA.
200
ived
- 1 Ked
ue and I
he grant or
,
101
104141