
Report to Regulatory Committee

Date of Meeting: 19 September 2019

Subject: Application for the Renewal of Taxi Driver's Licence

Report by: Regulatory Services Manager

1.0 Purpose

- 1.1. The Council's Scheme of Delegation allows the Strategic Director (Place) to determine all applications for the licences under the Civic Government (Scotland) Act 1982 (the "1982 Act"), except where there has been any objections or representations received from any party.
- 1.2. The Licensing Authority has received a representation from the Council's Civic Licensing Standards Officer (CLSO) to the licensing authority therefore the Committee is asked to consider this application for the renewal of a Taxi Driver's Licence.

2.0 Recommendations

- 2.1. That the Committee considers all off the information provided including representations from all parties and determine the matter before them in accordance with the provisions of the 1982 Act.

3.0 Considerations

- 3.1. Under the terms of the 1982 Act the applicant has applied for the renewal of a Taxi Driver's Licence number T706 on 22 May 2019. As this was submitted before his Taxi Driver's Licence expired he is entitled to drive until his application has been determined. A copy of the application is provided as a background paper and marked as Appendix 1.
- 3.2. In accordance with the 1982 Act, a copy of the application form was sent to relevant consultees for consultation. The CLSO has responded that the applicant has a road traffic conviction relating to driving a motor vehicle at excessive speed in a 30 mile per hour built up area. The CLSO has added that the applicant failed to disclose the details and circumstances of the conviction to Clackmannanshire Council in accordance with the licence conditions to which he was subject at the time. A copy of the letter of representation from the CLSO is provided as a background paper marked Appendix 2.

- 3.3. As a result of the representation, the Council's scheme of delegation requires the matter to be referred to committee for a decision.
- 3.4. The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to (1) grant the licence subject to conditions or (2) to refuse the application.

4.0 Sustainability Implications

- 4.1. None

5.0 Resource Implications

5.1. *Financial Details*

- 5.2. There are no financial implications arising from the recommendations in this report.

5.3. *Staffing*

- 5.4. There are no staffing implications as a result of the recommendations in this report

Exempt Reports

- 5.5. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box)

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

- (2) **Council Policies** (Please detail)

None

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

10.2 Application Form (Appendix 1)

10.3 Letter Civic Licensing Standards Officer dated 12 July 2019 (Appendix 2)

11.0 Background Papers



11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
June Andison	Licensing Administrator	2093

Approved by

NAME	DESIGNATION	SIGNATURE
Ian Doctor	Regulatory Services Manager	
Pete Leonard	Strategic Director (Place)	



PAID £150
OT
21 MAY 2019
(cash)

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

Each question must be answered

Surname	SUTHERLAND	First Name	ALISTAIR
Home Address (Including Postcode)	[REDACTED]		
Telephone Number	[REDACTED]		


Age	[REDACTED]	Date of Birth	[REDACTED]	Place of Birth	[REDACTED]
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Type of licence applied for? Taxi Driver or Private Hire Car Driver
(Please tick only 1)

If previously licensed, state date and number shown on most recent identification badge	T706
If previously refused a licence give type and date	/
Whether for grant or renewal? (Please tick only 1)	Grant <input type="checkbox"/> Renewal <input checked="" type="checkbox"/>
Which licence are you applying for? (Please tick only 1)	1 year <input type="checkbox"/> 3 years <input checked="" type="checkbox"/>
Have you held during any continuous period of twelve months prior to the date of this application a full driver's licence issued under the Road Traffic Act 1988?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
How long have you been driving motor vehicles?	35 YEARS
Do you intend to work as a driver as a full time occupation?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If no give further particulars	PART TIME
Name and address of the operator whose vehicle you will drive.	BUCHAN TOWN CARS KELLIBANK ALLOA

Are you subject to any disability likely to affect your fitness as a driver?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
If yes, state nature			
Do you suffer from any medical conditions that require you to notify the DVLA?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Do you have the right to work in the UK?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
You will need to provide original documents as listed in the Guidance Notes for Applicants Right to Work in the UK			
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 it is an offence if you fail to disclose convictions. If you have none please state none in the box below	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
If yes, give particulars below			
Date	Court	Offence	Sentence
3.4.19		SPEEDING	£100 FINE 3PTS.

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	21.5.19

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 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



Memo

To: Andrew Crawford
Team Leader Environmental Health and
Licensing
Kilncraigs
Alloa
FK10 1EB

From: Paul Fair, Licensing Standards Officer
Extension: 01259 452091
Email: pfair@clacks.gov.uk
Our Ref: PF/CLSO/PHD/T706
Your Ref: 19/00360/TD1
Date: 12 July, 2019

Civic Government (Scotland) Act, 1982
Application for the Renewal of a Taxi Drivers Licence
Alistair Sutherland, [REDACTED]

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 a Taxi Drivers licence to Alistair Sutherland, [REDACTED].
2. This representation asks that the Regulatory Committee consider the information contained in paragraphs 3-7, before coming to a decision as to whether or not to renew the licence applied for.
3. The applicant has declared a recent and relevant road traffic conviction on his renewal application; however he failed to declare this conviction to the licensing authority in accordance with the Clackmannanshire Council – Licence Standard Conditions – Taxi and Private Hire driver. These conditions state that such matters should be reported in writing to the licensing authority as soon as reasonably possible, and in any case within 7 days. (Condition 4.1 refers)
4. Due to the nature of the conviction, the recent occurrence and the relevancy to the type of licence applied for, along with the apparent breach of the licensing conditions, this application should not be granted under delegated powers, and should be determined by the Regulatory Committee.
5. The conviction relates driving a motor vehicle at excessive speed in a 30 mile per hour built up area.
6. The details and exact circumstances of the offence is not known to the Civic Licensing Standards Officer and he has been unable to make contact with the applicant to discuss the offence and the failure to comply with the licence conditions.
7. I have no further information to add in relation to this matter

Paul Fair

Civic Licensing Standards Officer

