THIS PAPER RELATES TO ITEM 5 ON THE AGENDA

CLACKMANNANSHIRE COUNCIL

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

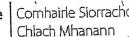
- 3.1. Under the terms of the 1982 Act the applicant has applied for the renewal of a Taxi Driver's Licence number T706 on 22 May 2019. As this was submitted before his Taxi Driver's Licence expired he is entitled to drive until his application has been determined. A copy of the application is provided 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.

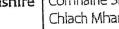
3.3.	As a result of the representation, the Council's scheme of delegation requires the matter to be referred to committee for a decision.	S
3.4.	The Regulatory Committee are therefore asked to consider all the information before them and having done so to determine whether to (1) grant the licence subject 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	
Exem	pt 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	•	the required equalities impactiversely affected by the recon	
9.0	Legality		
9.1		d that in adopting the recomm acting within its legal powers	—
10.0	Appendices		
10.1	Please list any appen please state "none".	dices attached to this report.	If there are no appendices,
10.2	Application Form (Ap	pendix 1)	
10.3	Letter Civic Licensing	Standards Officer dated 12	July 2019 (Appendix 2)
11.0	Background Papers		
11.1		· —	
Author	r(s)		
NAME		DESIGNATION	TEL NO / EXTENSION
June A	ndison	Licensing Administrator	2093
Appro	ved by		
NAME		DESIGNATION	SIGNATURE
Ian Do	ctor	Regulatory Services Manager	
Pete Le	eonard	Strategic Director (Place)	



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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

			A
Surname .	SUTHERLAND	First Name	ALISTAIR
Home Address (Including Postcode)			
Telephone Number			
Age	Date of Birth	Place of Birth	
Type of licence applied for (Please tick only 1)	Taxi Driver or	Private Hire Car	Driver 🗸
If previously licensed, stat most recent identification	re date and number shown on I badge	T706	
If previously refused a lice			
Whether for grant or rene (Please tick only 1)		Grant	Renewal 7
Which licence are you ap (Please tick only 1)	plying for?	1 year	Sayea rs .
Have you held during an	y continuous period of twelve of this application a full driver's Road Traffic Act 1988?	Yes	.No
How long have you been		35 TEAT	\$
Do you intend to work a occupation?		Yes,	No
	if no give further particulars	PART	Time
Name and address of the you will drive.	e operator whose vehicle		BANK ALLOA

Are you subject to any disal fitness as a driver?	oility likely to affect your 	Yes	No 🗸
	If yes, state nature		
Do you suffer from any med you to notify the DVLA?	dical conditions that require	Yes	No 🔽
Do you have the right to w	ork In the UK?	Yes 🗸	No
You will need	to provide original documer Applicants Right to	nts as listed in the Guida Work in the UK	nce Notes for
this type of licence unless t convictions. You should in penalties. This may also in convictions. Please note it	ering "spent" convictions for hey are protected clude any driving offences or clude any overseas	Yes	No
If yes, give particulars below	W .		
		Offence	Sentence
Date	Court	Offence	11.00
Date 3、4、14	Court	SPEEDING	LIGO FINE 3PTS.
	Court		L
	Court		L
3 4 14	rticulars given by me o	ร <i>ิโธย</i> วเพจ on this form are true	ുള്ള. e-and I hereby make
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I declare that the pa application to Clack applied for.	rticulars given by me c	ร <i>ิโธย</i> วเพจ on this form are true	and I hereby make
I declare that the pa application to Clack applied for. Signature of applicant Date	rticulars given by me o mannanshire Council f	ร <i>ิโธย</i> อาเพจ on this form are true for the grant or rene	and I hereby make

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 Anditor, on tel: 01259 452000

From: Paul Fair, Licensing Standards Officer

Development and Environmental Services Kilncraigs, Greenside Street, Alloa, FK10 1EB

Telephone: 01259 450000

Memo

To: Andrew Crawford

Team Leader Environmental Health and

Licensing Kilncraigs Alloa **FK10 1EB**

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,

- 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.
- 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