
Report to Regulatory Committee

Date of Meeting: 19 September 2019

**Subject: Application for the Renewal of Taxi Driver's Licence &
Taxi Operators Licences T19 & T53**

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 representations from Police Scotland and the Council's Civic Licensing Standards Officer (CLSO) to the licensing authority therefore the Committee is asked to consider the applications for the renewal of a Taxi Driver's Licence and two Taxi Operator's Licences.

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 T1160 on 30 May 2019, Taxi Operator Licences for T19 and T53 on 30 April 2019. As these were submitted before his Taxi Driver's Licence and Taxi Operator's Licences expired he is entitled to drive and use the vehicles until his applications have been determined. A copy of the applications are provided as a background papers and marked as Appendix 1.
- 3.2. In accordance with the 1982 Act, copies of the application forms were sent to relevant consultees for consultation. Police Scotland responded that the applicant had declared two road traffic convictions on his application form for the renewal of his taxi driver's licence. The first offence occurred in Cumbria on the 11 December 2017 which resulted in a fine which was not paid this resulted in a conviction on 17 May 2019 of failing to provide the identity of driver of a motor vehicle at the time of a speeding offence.

The second offence occurred on the 13 October 2018 when the applicant was found to be driving at 48mph in a 30mph speed limit. Letters were sent to the applicant requiring him to provide the identity of the driver of his vehicle at the time of the offence which he failed to do so. Officers from Police Scotland visited the applicant at his home address where he admitted that he had been driving the vehicle, he was issued with a conditional offer of a fixed penalty which he failed to comply with. A report was submitted to the Procurator Fiscal resulting in the conviction. A copy of the letter of representation from Police Scotland provided as a background paper marked Appendix 2. The CLSO has responded that the applicant has declared two road traffic convictions on his Taxi Drivers application and due to the nature and circumstances of the convictions and their relevancy to the type of licence applied for these applications should not be granted under delegated powers and should be determined by the Regulatory Committee. A copy of the letter of representation from The CLSO is provided as a background paper marked Appendix 3.

- 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 Police Scotland
- 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)	



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

Full Name	Surname		First Name	
	BARR		BRIAN	
Home Address (Including Postcode)	[REDACTED]			
Telephone Number	[REDACTED]			
Age, Date & Place of Birth	Years	Date of Birth	Place of Birth	
	[REDACTED]	[REDACTED]	[REDACTED]	
Type of licence applied for?	Taxi or Private Hire Car T19			
If applicant does not propose to operate the vehicle himself, state: Full name: Full address of the person or persons who will manage the operation of the vehicle.				
Registration Number	Date of First Registration	cc. Rating		
[REDACTED]	MARCH 2013	2.1		
Make	Model	Estate or Saloon		
MERCEDES	E 220	SALOON		
Number of Doors	Number of Passengers	Fuel Type		
4	4	DIESEL		
Colour	Colour/Artwork Number	Measurements Across Back Seat		
SILVER	N/A	N/A		
Chassis Number	N/A			

PAID 28 APR 2019
V. Ferguson

Has the vehicle been previously licensed as a taxi or hire car?	Yes/ No
If so, state type of last licence, to whom licensed and date of licence.	TAXI T19 29/2/2019
Address of premises where vehicle is to be kept	[REDACTED]
During what hours and on what days will the vehicle be available for hire	MON - SUN

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
11 DEC 2017	N/A	MS90	6 PTS

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 [REDACTED]

Date 26/4/19

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 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.



19/00303/TVEH

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

Full Name	Surname		First Name	
	BARR		BRIAN	
Home Address (Including Postcode)	[REDACTED]			
Telephone Number	[REDACTED]			
Age, Date & Place of Birth	Years	Date of Birth	Place of Birth	
	[REDACTED]	[REDACTED]	[REDACTED]	
Type of licence applied for?	Taxi or <u>TS3</u> Private Hire Car			
If applicant does not propose to operate the vehicle himself, state: Full name: Full address of the person or persons who will manage the operation of the vehicle.	N/A			
Registration Number	Date of First Registration	cc. Rating		
[REDACTED]	1ST MARCH 2015	1.6		
Make	Model	Estate or Saloon		
CITROEN	BERLINGO	MPV		
Number of Doors	Number of Passengers	Fuel Type		
5	6	DIESEL		
Colour	Colour/Artwork Number	Measurements Across Back Seat		
SILVER	N/A	N/A		
Chassis Number	N/A			

PAID 26 APR 2019
 PAID 26 APR 2019
 V. Foggo

Has the vehicle been previously licensed as a taxi or hire car?	Yes/No TAYI T53
If so, state type of last licence, to whom licensed and date of licence.	31 APRIL 2014
Address of premises where vehicle is to be kept	[REDACTED]
During what hours and on what days will the vehicle be available for hire	MON - SUN

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
11 DEC 2017	N/A	MS90	6 PTS

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 [REDACTED]

Date 26/4/19

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 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.



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	BARR	First Name	BRIAN
Home Address (Including Postcode)	[REDACTED]		
Telephone Number	[REDACTED]		
Age	[REDACTED]	Date of Birth	[REDACTED]
		Place of Birth	[REDACTED]

PAID
JG 27 MAY 2019

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	T1160 MAY 2019
If previously refused a licence give type and date	N/A
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)	<input checked="" type="radio"/> 1 year <input type="radio"/> 3 years
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?	<input checked="" type="radio"/> Yes <input type="radio"/> No
How long have you been driving motor vehicles?	17 YEARS
Do you intend to work as a driver as a full time occupation?	<input checked="" type="radio"/> Yes <input type="radio"/> No
If no give further particulars	
Name and address of the operator whose vehicle you will drive.	A/A

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 checked="" type="checkbox"/>	No <input type="checkbox"/>
---	---	-----------------------------

If yes, give particulars below

Date	Court	Offence	Sentence
11/12/17		MS90	6 PTS £660 FINE
13/10/18		SP30	4 PTS £350

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	27/5/19

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

28/06/2019

Your Ref: T1160

Our Ref: 428822

Andrew Crawford
Team Leader Building
Standards & Licensing
Clackmannanshire Council
Kilncraig
Alloa
FK10 1EB



**POLICE
SCOTLAND**

Keeping people safe

Dear Sir, Thom McLoughlin MSc CMgr FCMI
Chief Superintendent
Divisional Commander

Forth Valley Division Headquarters
Randolphfield
St Ninian's Road
Stirling
FK8 2HD

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR RENEWAL TAXI DRIVER LICENCE
APPLICANT: BRIAN BARR, [REDACTED]**

I refer to the above application for the renewal of a Taxi Driver's Licence and in terms of Section 3(1) of Schedule I of the Civic Government (Scotland) Act 1982, make the following representation in relation to the application.

Examination of the application form indicated that the applicant has stated that he has been convicted of offences. These convictions have been declared on the application form but require clarification in order to allow the Committee to consider their decision in relation to the application.

To clarify the applicant has been convicted as follows;

Date	Court	Crime/Offence	Disposal
17/05/2019	Alloa Sheriff Court	Section 172 Road Traffic Act 1988 - Fail to provide identity of driver	Community Payback Order – 100 hours to be completed within 5 months.
08/05/2019	Alloa Justice of the Peace Court	Road Traffic Regulation Act 1984 Section 84 and 89	£350 fine

The first offence listed occurred in the Cumbria area on 11/12/2017 and it would appear that the original fine imposed was not paid which resulted in the conviction on 17/05/2019. This fine was declared on the application form but the subsequent conviction as above has not. Full details of the circumstances of the offence are not available to Police Scotland as this is an offence which occurred in England.

The circumstances of the second conviction are that at 2026 hours on 13/10/2018 Mr Barr was found to be driving at 48mph in a 30 mph speed limit on the B9096 near to Lornhill Academy, Alloa. 2 letters were sent to the applicant requiring him to provide the identity of the driver of his vehicle at the time of the offence. Having received no reply police attended at the home address of Mr Barr at which time he admitted to having been driving the vehicle. He was issued with a conditional offer of fixed penalty which he failed to comply with. A report was thereafter submitted to the Procurator Fiscal resulting in the above conviction.

This representation is brought to your attention when considering this application.

Yours faithfully

A black rectangular redaction box covering the signature of Thom McLoughlin.

Thom McLoughlin MSc CMgr FCMl
Chief Superintendent
Divisional Commander

For enquiries please contact the Licensing Department on 01786 456026



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/T1160
Your Ref: 19/00389/TD1
Date: 16 July, 2019

Civic Government (Scotland) Act, 1982
Application for Taxi Drivers Licence and Taxi operators Licences x 2
T1160 (Driver), T19 (Taxi Operator), T53 (Taxi Operator)
Brian Barr, [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 grant of a Taxi Drivers licence and 2 taxi operators licences to Brian Barr, [REDACTED]
2. This representation asks that the Regulatory Committee consider the information contained in paragraphs 3-11, before coming to a decision as to whether or not these licences should be granted.
3. The applicant has declared 2 road traffic convictions on his most recent Taxi Drivers application.
4. Due to the nature and circumstances of these convictions, their relatively recent occurrence and their relevancy to the type of licence applied for these applications should not be granted under delegated powers, and should be determined by the Regulatory Committee.
5. The first conviction relates to an offence of failing to identify the driver of a motor vehicle at the time of a speeding offence being investigated by the Police. Mr Barr has declared that the penalty imposed was a fine of £660 and 6 penalty points endorsed on his licence
6. The second offence relates to speeding at 48 miles per hour in a 30 miles per hour built up area. This offence was committed whilst driving a taxi on route to a uplift a pre booked hire customer. There was not a fare paying passenger in the car at the time
7. Other than the applicants explanation the circumstances of the offences are not known to the Civic Licensing Standards. However Police Scotland have provided some additional details.
8. On the face of it also appears that the applicant has failed to properly declare details of these convictions on some application forms, as required by the standard conditions of the licence.
9. The table at Appendix A to this report shows details of the type, and dates of the various applications lodged in 2018 and 2019 by the applicant, and the final column shows the details of the convictions that were declared on each application. As can be seen the dates of the convictions would indicate that these matters should have been both notified in writing and declared in earlier applications than they first appeared. It may be that the applicant having had the opportunity to examine this table would want to offer some explanation for what appears to be a failure to comply with the conditions of his licences
10. I can confirm that soon after Mr Barr received notification of the intended prosecution for the second offence he did contact the CLSO and took advice on the notification process, and

although this matter was not finally notified in writing on the application dated 27 May, 2019, this was shortly after the date of conviction for the offence, which was in May 2019.

11. In summary, this applicant has been convicted within a relatively short period of time, of two motoring offences, which have resulted in endorsements on his licence now totalling 10 penalty points. The offences are both connected with speeding offences, although the first conviction does not identify the applicant as the driver at the time.

Paul Fair

Civic Licensing Standards Officer

Appendix A

Table Detailing Applications and Declared Convictions – Brian Barr T1160

Licence Number	Licence Type	Date of application	Convictions declared
T1160	Taxi Driver Renewal 2019	27 May 2019 Signed by applicant	11 December, 2017 DVLA Code MS90 Disposal : 6 penalty Points, Fine £660 13 October, 2018 DVLA Code SP30 Disposal : 4 penalty points, Fine £350
T1160	Taxi Driver Renewal 2018	31 May 2018 Signed by applicant	None Declared
T19	Taxi Operator (Vehicle) Renewal 2019	26 April 2019 Signed by applicant	11 December, 2017 DVLA Code MS90 Disposal : 6 penalty Points, Fine £660
T19	Taxi Operator (Vehicle) Renewal 2018	5 March 2018 Signed by applicant	None Declared
T53	Taxi Operator (Vehicle) Renewal 2019	26 April 2019 Signed by applicant	11 December, 2017 DVLA Code MS90 Disposal : 6 penalty Points, Fine £660
T53	Taxi Operator (Vehicle) Renewal 2018	3 September 2018 Signed by applicant	11 December, 2017 DVLA Code MS90 Disposal : 6 penalty Points, Fine £660

