
Report to Regulatory Committee

Date of Meeting: 19 September 2019

Subject: Application for the Grant 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 an objection from Police Scotland and 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 grant 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 grant of a Taxi Driver's Licence The applicant has been allocated the number T1663. A copy of the application is provided 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. Police Scotland has responded that the applicant has been convicted of numerous motoring offences relating to driving without insurance, vehicle condition and no MOT certificate. A copy of the letter is attached and marked as Appendix 2. The CLSO has responded that the applicant has declared 2 road traffic convictions on his application and due to the nature and circumstances of the convictions and their relatively recent occurrence the application should be determined by the Regulatory Committee. A copy of the letter of representation from the CLSO is provided and attached marked Appendix 3.

- 3.3. The applicant has submitted a letter in support of his application to the Regulatory Committee a copy is provided and marked as Appendix 4
- 3.4. As a result of the representation, the Council's scheme of delegation requires the matter to be referred to committee for a decision.
- 3.5. 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 | <input type="checkbox"/> |
| Our families; children and young people will have the best possible start in life | <input type="checkbox"/> |
| Women and girls will be confident and aspirational, and achieve their full potential | <input type="checkbox"/> |
| Our communities will be resilient and empowered so that they can thrive and flourish | <input type="checkbox"/> |

- (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 dated 02 August 2019 (Appendix 2)

10.3 Letter Civic Licensing Standards Officer dated 02 August 2019 (Appendix 3)

10.4 Letter applicant date stamped 22 August 2019 (Appendix 4)

11.0 Background Papers

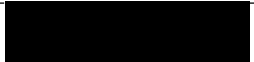

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

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)	



V. Ferguson
PAID 21 JUN 2019

T1663

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	HONEYMAN	First Name	STEPHEN
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?
(Please tick only 1)

Taxi Driver



or


Private Hire Car Driver



If previously licensed, state date and number shown on most recent identification badge		
If previously refused a licence give type and date		
Whether for grant or renewal? (Please tick only 1)	Grant <input checked="" type="checkbox"/>	Renewal <input 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?	40 yrs	
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.	TILLY TAXIS [REDACTED]	

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"/>	
<p align="center">You will need to provide original documents as listed in the Guidance Notes for Applicants Right to Work in the UK.</p>			
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
5 7 2017	9420 Alloa GP	T599	6 months
9 12 2015	9420 1410 Alloa GP	IN 10	community 300

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	21/6/19

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

02/08/2019

Your Ref: T1663

Our Ref: 441347

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



**POLICE
SCOTLAND**
Keeping people safe

Thom McLoughlin MSc CMgr FCMI
Chief Superintendent
Divisional Commander

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

Dear Sir/Madam,

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE
APPLICANT: STEPHEN HONEYMAN, [REDACTED]**

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

The application has been processed by the Police Service of Scotland and routine checks were carried out which showed that the applicant has previous convictions. The applicant has indicated he has a disqualification of 6 months from 05/07/17 as well as 6 points and £300 fine from 09/12/15. The correct convictions and disposals are as follows.

Date	Court	Crime/Offence	Disposal
05/07/2017	Alloa Justice of the Peace Court	Section 143 (1) and (2) Road Traffic Act 1988 (no insurance)	£400 fine 10 month disqualification

27/01/2016	Alloa Justice of the Peace Court	<p>Charge 1-4; 4 x Section 23(1) Road Vehicle Lighting Regulations 1989</p> <p>Charge 5; Section 47(1) Road Traffic Act 1988 (no MOT)</p> <p>Charge 6; Section 143 (1) and (2) Road Traffic Act 1988 (no insurance)</p>	<p>Charges 1-5 - £50 fine each</p> <p>Charge 6 - £600 fine</p>
11/11/2015	Alloa Justice of the Peace Court	<p>Charge 1 - Section 143 (1) and (2) Road Traffic Act 1988 (no insurance)</p> <p>Charge 2 - Section 41(A) Road Traffic Act 1988 (construction and use requirement)</p>	<p>Sentence deferred to 09/12/15</p> <p>Charge 1 - £300 fine, 6 months disqualification</p> <p>Charge 2 - £60 fine</p> <p>On 24/2/2017 Charges 1-2, Community Payback Order 80 hours unpaid work to be completed within 6 months</p>

The circumstances of the first conviction are that the applicant was stopped by police while driving a motor vehicle and found to have no insurance policy in place for the vehicle.

The circumstances of the second conviction are that the applicant was stopped by police while driving a motor vehicle which had 4 inoperative lights. On further checks being carried out it transpired there was no insurance or MOT in place for the vehicle.

The circumstances of the third conviction are that the applicant was stopped by police while driving a vehicle with no insurance policy in place and with defective tyres.

Police Scotland is of the opinion that, by reason of repeated failure to comply with Road Traffic Law in terms of failing to insure the vehicles he is driving and failure to ensure the upkeep of the vehicles he is driving the applicant is not a fit and proper person to be granted a Taxi Driver's Licence, and in terms of Section 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982, objects to the granting of such a licence.

Having carried out the required tests as detailed in the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Amendment Order 2015 , it has been established that the applicant has a number of spent convictions, which are considered 'protected' in terms of the Rehabilitation of Offenders Act 1974. It is the Chief Constable's contention that justice cannot be done in this case except by admitting evidence relating the 'protected' convictions.

I must emphasise that this letter is for the information of the Regulatory Committee, solely in connection with this application and not for any other purpose.

Yours faithfully

A black rectangular box redacting the signature of the Chief Superintendent.

Thom McLoughlin MSc CMgr FCMI
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
Your Ref: 19/00472/TD1
Date: 2 August, 2019

Civic Government (Scotland) Act, 1982
Application for Taxi Drivers Licence
Stephen Honeyman, [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 to Stephen Honeyman, [REDACTED]
2. This representation asks that the Regulatory Committee consider the information contained in paragraphs 3-12, before coming to a decision as to whether or not Stephen Honey (the applicant) is a fit and proper person to be granted a Taxi Drivers Licence.
3. The applicant has declared 2 road traffic convictions on his application. Due to the nature and circumstances of these convictions, their relatively recent occurrence and their relevancy to the type of licence applied for this application should not be granted under delegated powers, and should be determined by the Regulatory Committee.
4. One of the matters declared (Code IN10) relates to driving a motor vehicle on a road whilst not insured. A discussion with the applicant reveals that this offence was committed whilst driving a minibus full of passengers. The applicant claims that he was simply doing a favour for a local operator and the passengers were not paying customers. I have no further specific information about the offence.
5. The other matter declared (Code TT99) does not identify the actual nature of the conviction and simply relates to the special DVLA Code applied to a person's driving licence when they have accrued so many penalty points in a 3 year period that he or she has been disqualified from driving under the "Totting" up procedure.
6. During the discussion with the applicant he was unable or unwilling to reveal the nature of the convictions that resulted in his disqualification.
7. The applicant has failed to provide me with a DVLA Enquiry code relating to his driver record, and as such I have been unable to verify the convictions as declared.
8. During the telephone discussion which took place as part of the consultation process the applicant was evasive when asked about specific details of the driving offences and stated categorically that he had no other convictions that he should declare on his application.

9. I have since learned that Police Scotland hold details of a number of other convictions that should have been declared on the application lodged by Mr Honeyman.
10. There is no purpose served or benefit to the Regulatory Committee in my making further enquiry into these matters as I am aware that Police Scotland intend to object to the licence application.
11. In summary, this applicant has been recently convicted within a relatively short period of time, on number separate occasions, of motoring offences so serious that it has resulted in his disqualification.
12. I am aware of the content of the Police objection which clearly shows that the applicant has engaged in an extended pattern of behaviour in relation to driving habits decisions that has no doubt placed other road users at risk.

Paul Fair

Civic Licensing Standards Officer



CLACKMANNANSHIRE

22 AUG 2019

Dear Sir/Madam

COUNCIL

With regards to my application for a Taxi Drivers Badge. I have been invited to attend the Regulatory Committee Meeting on the 19th September, 2019 where my application will be heard.

After having the opportunity to read the report by the Licensing Standards Officer which you will have, or soon have in your possession I would like to take this moment to clarify some of the major points and facts for your consideration before my application is heard.

I have attached a copy of my licence details for your perusal and as you can see the expired IN10 offence is what the LSO is mostly concerned about which is driving a vehicle without proper insurance.

This lack of insurance was not deliberately made by myself but in fact made by the owner of the vehicle whom I borrowed it from for a family function. I would like to stress and clarify that the said vehicle was empty of people and not for Hire or Reward at the time of the Police check.

The LSO was made fully aware of this during a telephone call regarding the incident explaining the usage of the vehicle at the time of the offence and how the IN10 offence was generated. As you can see this offence was five years ago and has now expired from my license but unfortunately has not yet considered to be a spent offence and so must be submitted during my application of a taxi drivers' licence.

During a conversation with the LSO, I was advised that I did not need to provide an access code for my driving license at the point of application. After further consultation it was deemed and then decided that the best course of action was to provide this code which I diligently presented to Kilncraigs on the 6th August 2019 hence the explanation of the IN10 offence.

I have also been informed from the LSO that Police Scotland intend to raise an objection which I cannot comment on as it is unknown to me what this objection is about as no further information has been revealed to me.

Lastly and most importantly, I must stress my deepest apologies for this application to be so drawn out due to misunderstandings and confusing advice. I also desire to stress that I do not condone driving without insurance which I felt embarrassed, ashamed and guilty when the Police Officer explained that I was not a named driver on the owner's insurance policy. I will now endeavour to fully check that I am genuinely insured on the actual policy with any future employers that I may work for if my licence is granted on the 19th by the committee.

Yours Faithfully,



Stephen Honeyman

Licence summary

You can share this licence information summary with someone else like your employer or a car hire firm.

Mr STEPHEN WILLIAM HONEYMAN

Driving licence number:

[Redacted]

Check code:

[Redacted]

Licence issue number:

15

Licence valid from:

5 May 2018

Licence valid to:

17 October 2026

This code

- is case sensitive
- is valid for 21 days
- can only be used once

Date summary generated:

6 August 2019 9:58

Driving Status

Current full licence

Endorsements

1

Offence

0

Points

TT99

Penalty points:

Offence date:

Expiry date:

5 July 2020

Description:

'totting-up' - if the total of penalty points reaches 12 or more within 3 years

IN10

Expired

Penalty points:

6

Offence date:

29 September
2014

Expiry date:

9 December
2018




Description:

Using a vehicle uninsured against third party risks

Can drive

Category	Start date	End date	Codes
AM 	7 January 2015	17 October 2026	01
A 	19 January 2013	17 October 2026	01, 79(3)
B1 	4 June 1975	17 October 2026	01
B 	4 June 1975	17 October 2026	01
BE 	4 June 1975	17 October 2026	01
C1 	4 June 1975	17 October 2026	01
C1E 	4 June 1975	17 October 2026	01, 107
D1 	4 June 1975	17 October 2026	01, 101

Provisionally drive

Category	Start date	End date	Codes
A 	4 June 1975	17 October 2026	01
G 	4 June 1975	17 October 2026	01
H 	4 June 1975	17 October 2026	01

What to do next

How to share your licence summary

Give the check code or this licence summary to someone else, like your employer or a car hire firm. They'll also need the last 8 characters of

Where to view a shared licence summary

Visit <https://www.gov.uk/check-driving-licence> and enter the last 8 characters of the driving licence number and the check code.

Check code not working?

If the code generated is older than 21 days, or the code has been viewed once before, a new code must be created.



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