

WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead - Regulatory
Licensing Committee – 4 December 2019

Subject: Hearing regarding possible suspension or revocation of a Taxi Driver's/Private Hire Car Driver's Licence (continued)

1. Purpose

- 1.1** To consider a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr. George Spence, 3 Manse Court, Haldane, Balloch G83 8LT. Members also have the option to revoke the licence.

2. Recommendations

- 2.1** The Committee are asked to consider the terms of this report, the terms of the letter from the Chief Constable and any evidence presented at the hearing and thereafter determine whether the licence should be suspended and, if so, the duration of the suspension and date of commencement thereof or alternatively revoke the licence.

3. Background

- 3.1** On 5 August 2019, a letter was received from the Chief Constable of Police Scotland requesting the immediate suspension of the Taxi Driver's/Private Hire Car Driver's Licence held by Mr. George Spence under Paragraph 12(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence relates is likely to cause a serious threat to public order or public safety.
- 3.2** Having consulted with the Strategic Lead – Regulatory and the Depute Chair of the Licensing Committee it was decided that an immediate suspension was not merited in the circumstances.
- 3.3** At a meeting of the Licensing Committee held on 4 September 2019 to determine the possible suspension or revocation of Mr. Spence's Taxi Driver's/Private Hire Driver's Licence, Members agreed that the suspension hearing be continued to a future Licensing Committee in order to find out the outcome of pending proceedings against the applicant.
- 3.4** The Taxi/Private Hire Car Driver's licence currently held by Mr. Spence expired on 24 October 2019 however an application for the renewal of the licence was submitted on 17 October 2019 and is subject to a separate report before the Committee.

4. Main Issues

- 4.1** In his letter, the Chief Constable also requested a suspension of the licence under Paragraph 11 of Schedule 1 to the 1982 Act. A licensing authority may order the suspension of a licence under Paragraph 11 if, in its opinion, the holder of the licence is not, or is no longer, a fit and proper person to hold the licence or the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety.
- 4.2** The period of suspension of a licence is the unexpired portion of the duration of the licence, or such shorter period as the licensing authority may fix.
- 4.3** Where a licensing authority decides to order the suspension or revocation of a licence, the suspension or revocation generally does not take effect until the expiry of the time within which the holder of the licence may appeal against the suspension or revocation (28 days from the date of the decision to suspend) or, if an appeal has been lodged, until the appeal has been abandoned or determined in favour of the suspension or revocation. However, if the licensing authority determines that the circumstances of the case justify immediate suspension or revocation, it may order that the licence be suspended or revoked immediately.
- 4.4** A licensing authority must, before deciding to suspend or revoke a licence under Paragraph 11, give the holder of the licence and the Chief Constable an opportunity of being heard.
- 4.5** The licence holder and a representative of the Police authority have been invited to attend the meeting of the Committee on 4 December 2019 in order that a hearing may take place with regard to the possible suspension or revocation of the licence.
- 4.6** In considering whether to suspend or revoke a licence the licensing authority may have regard to any misconduct on the part of the licence holder which in the opinion of the authority has a bearing on his fitness to hold a licence.
- 4.7** The matters which the Committee will require to consider in relation to paragraph 4.1 above are as follows:-
- (a) Whether the alleged misconduct has been established.
 - (b) If the Committee is satisfied that the alleged misconduct has been established, whether, having regard to the misconduct, Mr. Spence is no longer a fit and proper person to hold a taxi driver's licence.
 - (c) If the Committee is of the opinion that Mr. Spence is no longer a fit and proper person, or the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety, the Committee must consider whether his licence should be suspended or revoked.

(d) If the Committee is satisfied that the licence should be suspended, the Committee must give Mr. Spence an opportunity of being heard on the length of the suspension and the date from which the suspension should commence.

(e) The Committee must then consider what length of suspension is appropriate and whether the circumstances of the case justify immediate suspension.

(f) If the Committee is satisfied that circumstances of the case justify revocation, the Committee must consider whether this revocation should be immediate.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 No consultation was required in relation to this request for suspension from Police Scotland.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 14/11/2019

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services)
Licensing Team
Municipal Buildings
College Street
Dumbarton
G82 1NR.

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

1. Letter dated 5 August 2019 from the Chief Constable, Police Scotland.
2. Letter to Mr. Spence dated 16 August 2019.
3. Letter dated 14 November 2019 from the Chief Constable, Police Scotland.
4. Letter to Mr. Spence dated 15 November 2019.

Wards Affected: N/A.