

WEST DUNBARTONSHIRE COUNCIL

Report by the Head of Legal, Democratic and Regulatory Services

Licensing Committee – 28 August 2013

Subject: Application for renewal of Taxi/Private Hire Car Driver's Licence

1. Purpose

- 1.1** To consider an application for renewal of a Taxi /Private Hire Car Driver's Licence submitted by Mr. John MacDonald, 40 Whitecrook Street, Clydebank, G81 1QR.

2. Recommendations

- 2.1** It is recommended that the application be considered and determined by the Committee.

3. Background

- 3.1** At the request of the Chief Constable of Strathclyde Police a hearing regarding the possible suspension of Mr. MacDonald's taxi driver's licence was held on 7 April 2011. Members decided to take no action at the time but requested that a report on the possible suspension of the licence be submitted to a future meeting of the Committee should Mr. MacDonald be convicted of the charge against him.
- 3.2** Mr. MacDonald submitted an application for the renewal of a taxi driver's licence on 23 June 2012 following which a representation was received from the Chief Constable of Strathclyde Police.
- 3.3** Mr. MacDonald attended a meeting of the Licensing Committee on 5 September 2012 where it was noted that the pending case which the Police had referred to at the suspension hearing had proceeded to trial and had been part-heard. As the trial had been adjourned to 1 October 2012 it was agreed that consideration of the application be continued to the next meeting of the Committee.
- 3.4** Mr. MacDonald attended a further meeting of the Licensing Committee on 31 October 2012 at which the Committee were informed by the Police that Mr. MacDonald had been found guilty of the charge against him.
- 3.5** The Principal Solicitor provided details from a letter received from Mr. MacDonald's solicitor advising of an appeal by Mr. MacDonald against the conviction and sentence.
- 3.6** At the meeting of the Licensing Committee on 31 October 2012 Members agreed to renew Mr. MacDonald's taxi driver's licence for one year and agreed that, should the pending appeal in the case against the applicant be

unsuccessful, a report be submitted to a future meeting of the Committee in order that the Committee could consider the possible suspension of the applicant's licence.

- 3.7 Mr. MacDonald submitted an application for renewal of a Taxi /Private Hire Car Driver's Licence to the Council on 17 June 2013.
- 3.8 A letter was received from the Chief Superintendent of the Police authority on 9 July 2013 advising that the Chief Constable has a representation to make in relation to the application.
- 3.9 The representation from the Chief Constable states that Mr MacDonald's appeal was lodged on 8 January 2013 then dismissed on 28 February 2013. Until receiving the representation, the Council had been unaware of the outcome of the appeal and so proceedings for a possible suspension of the licence had not been commenced.

4. Main Issues

- 4.1 In view of the representation that has been received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 28 August 2013.
- 4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

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

- 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 exercise was required in relation to this matter.

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.



Head of Legal, Democratic and Regulatory Services

Date: 10/7/2013

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Appendices: N/A

Background Papers:

1. Application for renewal of Taxi /Private Hire Car Driver's Licence from Mr. John MacDonald, 40 Whitecrook Street, Clydebank, G81 1QR.
2. Letter dated 9 July 2013 from the Chief Superintendent, Police Scotland Police, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. MacDonald dated 31 July 2013.
4. Letter to the Chief Superintendent dated 31 July 2013.

Wards Affected: N/A.