

WEST DUNBARTONSHIRE COUNCIL**Report by the Strategic Lead - Regulatory****Licensing Committee – 5 February 2020**

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

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 Miss Nicole McCallum, 291 Braehead, Bonhill, Alexandria G83 9NF. 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 9 January 2020, a letter was received from the Chief Constable of Police Scotland requesting the suspension of the Taxi Driver's/Private Hire Car Driver's Licence held by Miss Nicole McCallum under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 complaining that Miss McCallum is no longer a fit and proper person to hold a licence on the grounds that the carrying on of the activity to which the licence relates is likely to cause a threat to public safety.
- 3.2** Miss McCallum's current Taxi Driver's/Private Hire Car Driver's Licence expires on 14 May 2020.

4. Main Issues

- 4.1** In his letter the Chief Constable requested a suspension of the licence under Paragraph 11 of Schedule 1 to the 1982 Act. A licensing authority may order the suspension or revocation of a licence under Paragraph 11 if, in its opinion:-
- (a) the holder of the licence is not, or is no longer, a fit and proper person to hold the licence or;
 - (b) 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 or;

(c) a condition of the licence has been contravened.

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) or, if an appeal has been lodged, until the appeal has been abandoned or determined in favour of the suspension or revocation.

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 5 February 2020 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, Miss McCallum is no longer a fit and proper person to hold a taxi driver's licence.

(c) If the Committee is of the opinion that Miss McCallum is no longer a fit and proper person, the Committee must consider whether her licence should be suspended or revoked.

(d) If the Committee is satisfied that the licence should be suspended, the Committee must give Miss McCallum 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

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Appendices: N/A.

Background Papers:

1. Letter dated 9 January 2020 from the Chief Constable, Police Scotland.

2. Letter to Miss McCallum dated 21 January 2020.

Wards Affected: N/A.