

# Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 25 July 2023

## Request for Suspension of Private Hire Driver's Licence – Ruhul Amin

Item number	
Report number	B Agenda
Executive/routine	
Wards	Citywide
Council Commitments	N/A

### 1. Recommendations

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- 1.1 The Directorate recommends that:
- 1.1.1 the Private Hire Car Driver's Licence previously granted to Ruhul Amin should be suspended on the grounds that he is no longer fit and proper to hold the licence; and if the Committee decides to suspend the licence;
  - 1.1.2 determines what the period of suspension should be; and
  - 1.1.3 determines whether the suspension should take effect immediately.

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# Report

## Request for Suspension of Private Hire Driver's Licence – Ruhul Amin

### 2. Executive Summary

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- 2.1 Officers have investigated a complaint and now request (Appendix 1) in terms of paragraph 11 of the Civic Government (Scotland) Act 1982 ('the 1982 Act') that the Committee considers suspending the private hire car (PHC) driver's licence ('the licence') previously granted to Mr Ruhul Amin. This report suggests the procedures that the Committee should adopt when considering the request and sets out the various options open to the Committee under the 1982 Act.

### 3. Background

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- 3.1 The Police and other persons can make comments or complaints regarding the holders of licences and, in certain cases, request that the relevant licence should be suspended or revoked. Committee members can consider such comments and requests. The Committee can decide to take no further action, issue a warning to the licence holder, suspend or revoke the licence.

### 4. Main report

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- 4.1 Following an investigation by Enforcement Officers from Regulatory Services the Head of Regulatory Services is requesting that the Committee considers the suspension of a licence. Details of the licence are attached at [Appendix 1](#).
- 4.2 'Bolt' is a mobile app-based private hire company which has offices nationwide, including a booking office in Edinburgh. Bolt operates in a similar manner to platforms such as Uber.
- 4.3 On 5 April 2023 a member of the public contacted the Bolt Safety and Compliance team, which deals with complaints, regarding statements made in conversation during a journey undertaken in one of their driver's PHCs, which the customer described as "incredibly homophobic" and "outlandish" (report from Bolt is attached at [Appendix 3](#)).
- 4.4 On 5 April 2023 a member of Bolt's Safety and Compliance team sent emails to the Council's Licensing Enforcement team to make them aware of a complaint regarding the actions of licensed PHC driver Mr Ruhul Amin.

- 4.5 On 14 April 2023, Council enforcement officers wrote to Mr Amin asking him to attend an in person interview at Council premises on 20 April 2023. During the interview ([Appendix 4](#)) Mr Amin stated that the passenger had initiated the relevant conversation, and further stated that although he had expressed his views, he denied using the language described by the complainer.
- 4.6 On 21 April 2023, the Council received a copy of the customer's audio recordings which had been sent to Bolt along with the complaint from the Bolt Safety and Compliance team ([Appendix 5](#)).
- 4.7 After listening to these recordings, on 2 May 2023 officers of the Licensing Enforcement team again interviewed Mr Amin ([Appendix 6](#)). On that date, Mr Amin's wife Rusbin Khanaham (who had also attended the initial interview with her husband) stated that Mr Amin had been incorrect to deny using the language described by the complainer, and did now admit to saying some of the things in the initial complaint. Mr Amin confirmed that it was his voice in each of the three recordings, but said that he had not really understood what he was saying, and that the customer was encouraging him to say these things. Mr Amin repeatedly apologised during the interview and asked forgiveness for the statements recorded.
- 4.8 The audio clips and the report from BOLT with respect to the customer's complaint suggest that Mr Amin engaged in highly inappropriate behaviour for a person working as a licensed driver. It is the view of Council enforcement officers that the comments could be characterised as both misogynist and displaying prejudice to members of the LGBT+ community. Mr Amin's explanation is that these comments were encouraged by or coaxed from him by the passenger. However, it is officers' view that they are sufficiently serious to call into question his continued fitness to hold a licence, and hence the request for suspension of the licence.
- 4.9 The Directorate is therefore of the view that a hearing under paragraph 11 of the 1982 Act is required, and it is recommended that the licence is suspended on the grounds that Mr Amin is no longer a fit and proper person to be the holder of the licence.
- 4.10 Subsequent to this and whilst this report was being drafted in June 2023, the Bolt Safety and Compliance team sent the Licensing Service details of a report from a customer which had led Bolt to obtain confirmation from Mr Amin that he had been fulfilling Bolt bookings using a vehicle that was not the one registered with Bolt ([Appendix 7](#)).
- 4.11 On 22 June 2023 Licensing Enforcement officers interviewed Mr Amin with respect to the report from Bolt ([Appendix 7](#)). During that interview ([Appendix 8](#)) Mr Amin stated that he was not aware that the conditions of his Private Hire Car Licence require him to report any damage to his licensed vehicle to the Council within two working days, and that he had not done so in this case. The Committee may determine that this further issue is not directly relevant to that of Mr Amin's fitness to hold a licence, but it is included for completeness as it does highlight that there may be an issue with Mr Amin's understanding of his current conditions of licence.

- 4.12 The licence holder has been invited to attend, notified of the contents of this report and provided with a copy of this report.
- 4.13 Committee members are reminded that the grounds for suspending a licence are set out in Paragraph 11(2) of Schedule 1 to the 1982 Act. A Licensing Authority may order the suspension or revocation of a licence if in their opinion:
- 4.13.1 The holder of the licence, or, where the holder is not a natural person, any Director of it, or Partner in it or any other person responsible for its management, is not or is no longer a fit and proper person to hold the licence;
- 4.13.2 The activity to which the licence relates is being managed by or on carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of a licence under Paragraph 5(3) of the said Schedule;
- 4.13.3 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 safety;
- 4.13.4 A condition of the licence has been contravened.
- 4.14 In terms of Paragraph 11(3) of the said Schedule, a Licensing Authority may make an order under sub-paragraph 2(d) above in respect of a contravention of a condition of licence notwithstanding that there has been no conviction in that respect.
- 4.15 In terms of Paragraph 11(4) of the said Schedule, in considering whether to suspend a licence, the Council may have regard to:
- 4.15.1 Any misconduct on the part of the licence holder, whether or not constituting a breach of any provision of Part I or II or the said Schedule of the said Act, which in the opinion of Council has a bearing on the fitness to hold a licence; and
- 4.15.2 Where the licence relates to an activity consisting of or including the use of premises or a vehicle or vessel, any misconduct on the part of persons frequenting or using the premises, vehicle or vessel occurring there or any misconduct in the immediate vicinity of the premises, vehicle or vessel which is attributable to those persons.
- 4.16 Committee members may make such reasonable enquiries as they think fit (and subject to sub-paragraph 11(5) of the said Schedule) include the results of their inquiries in the matters to which they have regard in such consideration.
- 4.17 At the meeting officers will be provided with an opportunity to address the Committee. The licence holder and/or their representative will then be provided with an opportunity to address the Committee. Members of the Committee can then ask questions of the officers and of the licence holder.

- 4.18 If there are matters or allegations raised that are not admitted by the licence holder, the Committee can either arrange an evidential hearing on another date or decide to proceed on the basis of the material presented to them.
- 4.19 If the latter option is adopted, the Committee should allow the licence holder and the officers to make full submissions on the alleged incidents. Both parties should answer any points raised by the other and by the Committee. The Committee will have to:
- 4.19.1 Carefully consider the information they have before them;
  - 4.19.2 Disregard any allegations which they consider to be gossip, speculation or unsubstantiated innuendo;
  - 4.19.3 Identify which matters are admitted or disputed;
  - 4.19.4 Consider whether the source of any statements, their nature and inherent probability gives it greater degree of credibility;
  - 4.19.5 Decide whether, on the balance of probability, the licence holder has committed the alleged misconduct; and
  - 4.19.6 Be in a position to explain their approach and the basis on which they preferred any version of events.
- 4.20 Having heard from all parties the Committee should decide what, if any, action it wishes to take. It can decide to take no further action, issue a warning to the licence holder as to his future conduct or suspend the licence.
- 4.21 If the Committee decides to suspend the licence, it has to consider the period of suspension. The licence holder should be asked to provide his views as to the length of any period of suspension. The Committee can suspend the licence for any unexpired portion of the period of the licence.
- 4.22 If suspending a licence, the Committee can also decide that the circumstances of the case justify immediate suspension. The licence holder's views should be sought as to any proposal to impose immediate suspension. If immediate suspension is not ordered, any suspension would usually only take effect after 28 days had passed or, if an appeal is made, until it has been abandoned or determined.
- 4.23 Suspension of a licence means that the licence remains in existence but has no effect whilst the suspension is in place. The licence holder has to cease the licensed activity during the period of suspension. Any ID badges or plates should be immediately returned to the Council. It is a criminal offence for the licence holder to continue the licensed activity during any period of suspension.

## 5. Next Steps

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- 5.1 Decisions on individual licences have to be considered on their own merits.
- 5.2 The process outlined takes account of the relevant statutory provisions.

5.3 The licence holder has a right of appeal against any decision made. The appeal lies to the Sheriff Court.

## **6. Financial impact**

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6.1 None, as the costs of these matters are recovered through taxi and private hire car vehicle and driver licence application fees.

## **7. Stakeholder/Community impact**

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7.1 None.

## **8. Background reading/external references**

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8.1 None.

## **9. Appendices**

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9.1 Appendix 1 – Request for suspension of Private Hire Driver’s Licence

9.2 Appendix 2 - Licence referred to in this report.

9.2 Appendix 3a – Report from Bolt Safety and Compliance team

9.3 Appendix 3b – Follow-up report from Bolt Safety and Compliance team

9.4 Appendix 4 – note of meeting with Ruhul Amin 20 April 2023

9.5 Appendix 5 – 3 x voice recordings

9.6 Appendix 6 - note of meeting with Ruhul Amin 2 May 2023

9.7 Appendix 7 - Report from Bolt Safety and Compliance team

9.8 Appendix 8 – note of meeting with Ruhul Amin 22 June 2023