

Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 13 August 2024

Request for Suspension of Taxi Driver's Licence – Alistair Lawrie

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

1. Recommendations

- 1.1 The Directorate recommends that the Committee:
 - 1.1.1 suspends the licence on the grounds that the applicant is no longer fit and proper to hold the licence; and
 - 1.1.2 if the Committee decides to suspend the licence, determines what the period of suspension should be; and
 - 1.1.3 determines whether any suspension should take effect immediately.

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2. Executive Summary

- 2.1 Alistair Lawrie was the holder of a Taxi Driver's Licence which expired on 9 August 2024 ('the licence'). Prior to that date they applied to renew the licence, and as a result the licence remains live until the determination of the renewal application. Council officers now recommend that the Committee considers suspending the licence in terms of paragraph 11 of the Civic Government (Scotland) Act 1982 ('the 1982 Act'). 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

- 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.
- 3.2 On 6 February 2023 the Council's Regulatory Committee agreed that the previously agreed compulsory training programme for all existing taxi and Private Hire Car drivers should commence. This training began in October 2023. The committee reiterated its support for compulsory training at its meeting on Friday 21 June 2024.
- 3.3 Attending the Intermediate Course is compulsory and is part of a driver's licence renewal process. If drivers fail to attend a course:
- 3.3.1 Their licence will only be granted for a six month period.
 - 3.3.2 They will have to complete the training during that six month period
 - 3.3.3 They will have to make a new application to renew their licence prior to the end of the six months: and
 - 3.3.4 If they fail to undertake the training during this period, further licences may not be granted.

4. Main report

- 4.1 Following receipt of information from officers from Regulatory Services, the Head of Regulatory Services recommends that the Committee suspends a licence. Details of the licence suspension request are attached at Appendix 1 and the background is summarised below..
- 4.2 On 11 July 2024 Fiona Miller (Training Officer) contacted Alastair Lawrie by email to advise him that as part of the renewal process for his Taxi Driver's Licence he would be required to attend a three day Driver Skills Development Program Intermediate course (Appendix 1 - Annex 1).
- 4.3 Alastair Lawrie replied to that email as attached at Appendix 1 - Annex 2. Members will note that the email response included foul and abusive language.
- 4.4 The Council's [policy](#) on Protecting Colleagues from Unacceptable Behaviour aims to ensure the safety, protection, and wellbeing of colleagues who deliver Council services and to ensure a safe working environment for all colleagues and creating a workplace where everyone is treated with dignity and respect. The Council is also committed to protecting colleagues from unacceptable behaviours including violence, aggression, bullying, harassment, and discriminatory behaviour.
- 4.5 In addition, on 17 November 2015 the Regulatory Committee agreed a [policy](#) (Appendix 3) on unacceptable behaviour towards Licensing staff, to operate within the above policy. It states "No member of staff should be required, or feel obliged, to deal with any licence holders or applicants either face to face, over the phone or in correspondence, who is exhibiting threatening, abusive or violent behaviour".

Recommendation

- 4.6 The Directorate is of the view that a hearing under paragraph 11 of Schedule 1 to the 1982 Act is required, given the applicant's unacceptable communication with Council officers. It is recommended that the licence is suspended on the grounds that Mr Lawrie is no longer a fit and proper person to be the holder of the licence.
- 4.7 The licence holder has been invited to attend, notified of the contents of this report and provided with a copy of this report.
- 4.8 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 its opinion:
 - 4.8.1 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;
 - 4.8.2 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;

- 4.8.3 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;
- 4.8.4 A condition of the licence has been contravened.
- 4.9 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.
- 4.10 In terms of Paragraph 11(4) of the said Schedule, in considering whether to suspend a licence, the Council may have regard to:
 - 4.10.1 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
 - 4.10.2 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.
- 4.11 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.
- 4.12 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.
- 4.13 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.
- 4.14 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:
 - 4.14.1 Carefully consider the information they have before them;
 - 4.14.2 Disregard any allegations which they consider to be gossip, speculation or unsubstantiated innuendo;
 - 4.14.3 Identify which matters are admitted or disputed;
 - 4.14.4 Consider whether the source of any statements, their nature and inherent probability gives it greater degree of credibility;
 - 4.14.5 Decide whether, on the balance of probability, the licence holder has committed the alleged misconduct; and

- 4.14.6 Be in a position to explain their approach and the basis on which they preferred any version of events.
- 4.15 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.
- 4.16 If the Committee decides to suspend the licence, it must determine whether the period of suspension should be for the unexpired portion of the period of the licence or some shorter period.
- 4.17 If suspending a licence, the Committee must consider whether it is of the view that the circumstances of the case justify immediate suspension. If immediate suspension is not justified the suspension will take effect after 28 days or, if an appeal is made, when this has been abandoned or determined.
- 4.18 Suspension of a licence means that the licence remains in existence but has no effect whilst the suspension is in place. The licence holder must cease the licensed activity during the period of suspension. Any ID badges or plates held by the licence holder should be immediately returned to the Council when the suspension comes into effect. It is a criminal offence for the licence holder to continue the licensed activity during any period of suspension.

5. Next Steps

- 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

- 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

- 7.1 None

8. Background reading/external references

- 8.1 [City Of Edinburgh Council Licensing Conditions for Taxis and Private Hire Cars, Taxi and Private Hire Car Drivers](#)
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9. Appendices

- 9.1 Appendix 1 – Request for suspension of Taxi Driver’s Licence
- 9.2 Appendix 2 – policy on unacceptable behaviour towards Licensing staff