

REPORT

To: GENERAL PURPOSES (LICENSING) SUB-COMMITTEE		Subject: TAXI DRIVERS LICENCES - BREACH OF LICENCE CONDITION
From: DIRECTOR OF ADMINISTRATION		
Date: 29 May, 2001	Ref: WBK/AMK	

1. INTRODUCTION

1.1. Condition (10) attached to Taxi Driver's Licences provides as follows -

"The driver of a taxi, while he is in charge of the taxi, shall not actively canvass or importune in any public place, street or car park for employment, except where the taxi is being operated on shared hire, to such extent as is reasonably required to ascertain whether there are any prospective further passengers (in addition to an existing passenger or existing passengers who wish to participate in the shared hire of the taxi). In the event of a breach of this condition the Council shall be entitled to consider suspension of the licence in terms of Schedule I of the Civic Government (Scotland) Act 1982."

2. REPORT

2.1. A number of instances of failure to comply with this condition are now being reported by Strathclyde Police. A copy of a typical letter of complaint is attached.

2.2. There are a number of elements which the police highlight in respect of these incidents -

- (a) the vehicle was stationary on the highway at a location which is not designated by the Council as a taxi stance;
- (b) the vehicle engine was running;
- (c) the vehicle radio was switched on;
- (d) the vehicle identification sign ("begging light") was illuminated;

The police complaint letter will also indicate whether the taxi car was one of a number sitting in line together at the location (i.e. effectively constituting a "stance").

2.3. Members will be aware that there are a number of "controversial" locations, including Hozier Street, Coatbridge which was the subject of an unsuccessful trade proposal to locate a stance, and Main Street, Coatbridge, which is the subject of a current trade proposal for a stance which has not yet been determined by the Roads Department as suitable or otherwise.

- 2.4. Following the Hozier Street stance decision, officers of Strathclyde Police have reminded all drivers in the central area, via the radio control rooms, which stances are approved by the Council and that other locations are not approved and will be the subjects of police reports to the Licensing Authority. In particular, the trade were advised that the previous informal permission in relation to the Main Street location has been withdrawn and drivers will now be reported to the Council if they stand at this location.
- 2.5. The main purpose of this meeting is to agree procedure for consideration of complaints of this nature from the police.
- 2.6. It is recommended that when letters of complaint are received by the Head of Legal Services it is delegated to him to cite drivers to a meeting of the General Purposes (Licensing) Sub-Committee for a suspension hearing. That citation will carry a copy of the letter from the police and will give an outline of the powers of the Authority in relation to suspension in terms of the 1982 Act.
- 2.7. At the hearing, the police representative will narrate the background, which will effectively be a reiteration of the detail given in the complaint letter which will already have been circulated to the driver who is attending.
- 2.8. If the driver does not dispute the police account, or if the Committee upholds the police account having heard evidence from all parties, there must be an initial formal finding that the complaint is upheld.
- 2.9. Thereafter, the licence holder will be invited to speak in mitigation of penalty. The penalty to be imposed can range from the issue of a warning letter through suspension for a limited period of time to suspension for the unexpired duration of the licence.
- 2.10. While members of the Committee may see merit in setting "guidelines" for the period of any suspension to be applied, and particular in the case of a repeat offender, it should be borne in mind that, once a complaint is upheld, each individual licence holder must be given the opportunity to speak in mitigation of penalty - what might be termed the "plea for the job".

3. **RECOMMENDATION**

- 3.1. The Sub-Committee is asked (1) to agree the recommendation contained at paragraph 2.6 of the report, whereby it is delegated to the Head of Legal Services to cite drivers who are the subject of a letter of complaint to a meeting of the Sub-Committee for a suspension hearing; and (2) to otherwise note the term of this report.

Walter B. Kilgour

Director of Administration



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Your Ref: JW
Our Ref: N/900/LD

Date: 2 April 2001

[REDACTED]

Dear Sir

**TAXI/PRIVATE HIRE CAR LICENSING
COMPLAINT: CONTRAVENTION OF (SCHEDULE 1) SECTION 11(2)(D) OF THE
CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - BREACH OF CONDITION OF
LICENCE - NORTH LANARKSHIRE COUNCIL LICENSING AREA.**

With regard to the above subject I now bring to your attention the following information.

At 1210 hours on Wednesday 28 March 2001 Police were on duty in Main Street, Coatbridge when they detected the following person in breach of Condition 10 of their Licence, i.e. actively canvassing or importuning in a public street:-

Name: [REDACTED] Date of Birth: [REDACTED]
Occupation: Taxi Driver
Home address: [REDACTED]
Licence Number: [REDACTED]
Expiry Date: [REDACTED]
Motor Vehicle Reg No. [REDACTED] Taxi Plate No. [REDACTED]

The subject was sitting within the driver's seat with the radio on, sign illuminated and engine running and was the only taxi sitting at locus.

This area is not a North Lanarkshire Council Designated Taxi Stance.

Should you require further information regarding the above please do not hesitate to contact the Licensing Department at Coatbridge Police Office.

Yours faithfully

P.P. G.M. Cairns
Chief Superintendent.

