

CONFIDENTIAL
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CIVIC GOVERNMENT LICENSING COMMITTEE
24 FEBRUARY 2023
APPENDIX
BUSINESS CONSIDERED IN PRIVATE

- 3.0 **HEARING TO CONSIDER REQUEST FOR IMMEDIATE SUSPENSION OF TAXI DRIVER LICENCE – MR ANDREW SCOTT EMOND**
There had been circulated copies of a letter from Police Scotland letter dated 10 February 2023.
- 3.1 Mr Emond was present at the meeting and accompanied by his wife and son, Alan Emond who would speak on his behalf. The Clerk confirmed with them that he was aware of the procedure for the meeting.
- 3.2 The Licensing Standards and Enforcement Officer, Mr Wynne advised that Mr Emond had been granted a Taxi Driver Licence on 4 August 2021 and had not come to his attention since. Mr Emond also held a personal licence, which he had done for a number of years without any issues. Mr Wynne went onto advise that following receipt of the Police Scotland letter he had attended at Mr Emond's house where he had voluntarily surrendered his Taxi Drivers Licence. Mr Emond was employed by Five Star Taxis, Galashiels to work on an NHS contract conveying patients to various Hospital appointments, which he enjoyed for the social aspect and did not work on the Taxi Ranks. Mr Wynne further explained that Five Star Taxis had won a contract with Scottish Borders Council to convey a pupil to Berwickshire High School and Mr Emond had been asked to undertake this work in addition to his usual NHS contract work. On getting into the Taxi one afternoon, the pupil had asked Mr Emond to buy a vape, and being naive about what a vape was and not aware that it was a tobacco substitute, Mr Emond had purchased the vape with his own money and given it to the pupil who was underage, the legal age being 18 years old. The pupil had then reported this to the Social Work Department and the matter was under investigation by Police Scotland. Five Star Taxis had confirmed that Mr Emond had been removed from the Education contract work and as an approved driver for any further Education contracts and was back on the National Health Services contract duties. Mr Wynne further advised that Mr Emond had been unable to undertake the Taxi driver training provided to newly licensed drivers due to Covid restrictions and these issues would have been covered in the training.
- 3.3 PC Dishington advised that Mr Emond was the holder of a Taxi Driver's Licence which he had held for 2 years and which would expire on 3 August 2023. It was alleged that during December 2022, in the course of a contracted taxi hire of a lone female school child, Mr Emond offered to purchase, purchased and supplied a Vape for her consumption, contrary to the Tobacco & Primary Medical Services (Scotland) Act 2010 S6A(1). The matter was subsequently reported and was under investigation. As the matter was sub judice, further specific information regarding the case could not be disclosed. PC Dishington advised that when considering a licence of this nature it was essential for the Committee to consider whether the applicant was 'fit and proper' to hold such a licence and in doing so consider their conduct, history of offending and whether there was any threat to public safety or undue public nuisance. PC Dishington went on to request that the Taxi Driver's Licence held by Andrew Scott Emond be suspended in terms of Paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982, as in his opinion, the carrying on of the licensed activity was causing, or was likely to cause, a serious threat to public safety. Mr Emond would be reported to the procurator Fiscal.

- 3.4 On being invited to address the Committee, Mr Alan Emond explained that his father had been employed by 5 Star Taxis for almost 2 years carrying out a service to the NHS staff and patients. Due to staff shortages and excess workload, Mr Emond had been asked to take on extra shifts outside the agreed NHS contract by taking children to and from school and had carried out this duty without incident for over a year. Around the beginning of December, when on a school collection run, Mr Emond picked up the customer from Berwickshire High School. Upon the collection it was evident that the girl in question was distraught and upset at something and having developed a conversational rapport with her over a few school runs, Mr Emond had asked if everything was okay. The girl had explained that she had had a really bad day at school and had been in trouble with her teachers and fellow pupils. Mr Emond had asked if there was anything he could do to help, to which she responded, "will you buy me a vape pen?" Completely ignorant to what a vape was and not realising the legal implications to supplying someone under the age of 18 years he had purchased the vape, having been advised by the client what to ask for in the shop. Mr Emond fully accepted that this was irresponsible and while naivety was in no way an excuse for what he had done, it was a genuine explanation, and he was deeply sorry and embarrassed by his actions. Mr Emond went onto explain that his father derived a great deal of satisfaction from the work as it was supporting the NHS and the public. This was particularly true during the COVID pandemic when the service provided by himself and colleagues was so crucial to those who needed it. Mr Emond had requested that the committee allow him to resume his employment under its original terms which was solely to transport NHS staff and patients to and from their work/appointments.
- 3.5 Mr Emond's employer had submitted a supporting statement advising that a large portion of his workload to date had been assisting in carrying out essential driving duties for Five Star on behalf of the National Health Service/Borders General Hospital delivering patients to outlying hospitals to receive essential care in the treatment of cancer and orthopaedic/cataract surgery. Mr Emond's professionalism and helpfulness/empathy whilst carrying out these duties had resulted in him being specifically asked for by patients when they phone to book follow up journeys. The loss of Mr Emond's ability to drive for Five Star would be felt immensely, not only by his family but also the wider community in which he provided driving services. Mr Emond's employer had also stated that they would provide support during his employment and only allocate him NHS driving duties moving forward should he be allowed to retain his Taxi Licence.
- 3.6 The Committee agreed that this had been a serious error of judgement on Mr Emond's part, however in light of the fact that Mr Emonds record, up to this point was pristine and he would be restricted to undertaking NHS contract work and transporting over 18 year olds, they did not consider that allowing him to continue carrying on with licensed activity would cause, or was likely to cause, a serious threat to public safety.

DECISION

AGREED that :-

- (a) Mr Emond retain his Taxi Driver Licence, however his licence be restricted to conveying over 18 year olds and persons under 18 years of age when accompanied by an adult ; and**
- (b) Mr Emond undertake to Taxi Driver training as the earliest opportunity.**

4.0

MINUTE

There had been circulated copies of the Private Section of the Minute of the Meeting held on 27 January 2023.

DECISION

AGREED to approve the Minute for signature by the Chairman.