

LICENSING COMMITTEE INFORMATION SHEET

12 December 2023

LICENCE HOLDER: MAME MBAYE

TAXI DRIVER'S LICENCE: 1618

DESCRIPTION

COMPLAINT 1

On the 29 May 2023, a complaint was received in relation to taxi driver Mame Mbaye knowingly overcharging for a fare taken from Aberdeen Rail Station.

The complaint relates to a fare being charged that was above that shown on the taxi meter at the end of the journey (due to the driver quoting a minimum fare if paying by card).

It is summarised below-

DATE	DESTINATION	FARE ON METER	STANDARD FARE	FARE CHARGED	DIFFERENCE
28/12/2022	Ferryhill House Hotel	£3.60	£3-£4	£10.00	£6.40

The passenger made the journey and paid £10.

The legislation states that no fare may be charged in any circumstances over that shown on the meter and to do so is a criminal offence.

Mr Mbaye has stated that he has been wrongly accused and when he metred the journey, it was £5.10 and not £3.60.

However evidence is held showing that the passenger was charged £10.

COMPLAINT 2

A further complaint was received on 23/11/2023 from the management at Aberdeen Rail Station.

This complaint states that on 06/11/2023 Mr Mbaye became involved in a heated and potentially racially aggressive engagement with two other taxi drivers in full view of the public and other taxi drivers.

The incident has been reported to British Transport Police by a member of the public and Scotrail Station Management on review of the incident revoked the Rail Station Permits held by all three drivers involved.

This behaviour may constitute a breach of Taxi Driver Licence conditions 22 & 28

We have not yet been made aware of any Police action.

LEGISLATION/CONSULTEE

Civic Government (Scotland) Act 1982, Section 21 subsection 5-

If any person demands fares or other charges in respect of the hire of a taxi or for the hire of a private hire car which is fitted with a taximeter in excess of the scales established under sections 17 and 18 of this Act, he shall be guilty of an offence and liable on summary conviction, to a fine not exceeding level 4 on the standard scale.

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Under the Civic Government (Scotland) Act 1982 it is a criminal offence to charge a fare in excess of that shown on the taxi meter.

Taxi driver licence conditions state-

22. The driver of a taxi whilst so acting must at all times be strictly sober, clean and tidy in his person and clothing, shall conduct himself in a proper and civil manner and shall not smoke.

28. While at a stance or a place of public entertainment where other taxis are waiting, drivers must not congregate with others in any one taxi or on the footpath thereat.

GROUND FOR SUSPENSION/REVOCATION

A licensing authority may suspend or revoke a licence if, in their opinion—

A licensing authority may order the suspension [or revocation] of a licence if in their opinion—

(a) 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;

(b) the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of the licence under paragraph 5(3) above;

(c) 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;

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