

# LICENSING COMMITTEE INFORMATION SHEET

## 21 FEBRUARY 2024

**LICENCE HOLDER:** William McKenzie  
**TAXI DRIVER'S LICENCE:** 1276 and T253

### COMPLAINT 1

On the 7 March 2023, a complaint was received in relation to taxi driver William McKenzie who is alleged to have shouted and sworn at two passengers getting into his vehicle at Aberdeen Rail Station on 7 March 2023. He is alleged to have shouted at them regarding climbing over seats which they were not doing, one passenger was holding the door open for the other who was his pregnant wife.

From the photograph provided, Mr McKenzie can also be seen wearing jeans and not wearing his ID Badge as required by the Taxi Driver Licence conditions 32 and 1.

Mr McKenzie recalls the passenger was swearing at him and was just asked not to climb over the centre console and seats.

Mr McKenzie confirmed he was wearing chinos, not jeans and had his ID Badge pinned to his jumper. He has confirmed he will not wear these trousers if they breach the policy and will wear his badge around his neck going forward.

### COMPLAINT 2

A further complaint was received on 4 September 2023 regarding Mr McKenzie parking outside the Bristows heliport with his passenger door and boot open. He is shown in the photographic evidence provided to be positioned directly outside the heliport main entrance doors.

Mr McKenzie's response was provided on his behalf – he explained he gave a business card to a passenger who phoned and requested he pick him up when he returned from offshore. There is no evidence of any pre-booked fare, therefore he appears to have collected a fare in an area where he is not licensed.

The location is also within 50m of a taxi rank, which is prohibited by taxi driver licence condition 17.

### COMPLAINT 3

A further complaint was received on 3 November 2023 with photographic and video evidence showing Mr McKenzie's vehicle at the Bistows heliport, within 50m of the taxi rank (on double yellow lines) collecting a hire.

The taxi driver licensing conditions prevent the collection of a fare from within 50m of a rank in any circumstances.

### COMPLAINT 4

A further complaint was received on 18 November 2023 regarding an incident at Aberdeen Boulevard Retail Park in which the complainant explains Mr McKenzie reversed out of a disabled parking bay and into her stationary vehicle as she was in a queue of traffic to park.

They swapped details but the complainant was told by Mr McKenzie he couldn't recall his insurance details. The phone number he shared was found to not be in service.

## LEGISLATION/CONSULTEE

Civic Government (Scotland) Act 1982, Section 21 subsection 1-

If any person operates, or permits the operation of, a taxi within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed, that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

**Taxi Driver Licence Condition 1-** The badge of identification and identity card issued by the licensing authority shall each include a recent photograph showing a true likeness of the driver and he shall display his badge of identification at all times while so acting conspicuously on the outer front, upper portion of his outermost garment with the inscribed side of the badge clearly visible

**Taxi Driver Licence Condition 17-** The driver of a taxi, while he is in charge of the taxi shall not park, or stop his taxi, nor canvass or importune for employment within 50 metres of any designated taxi stance

**Taxi Driver Licence Condition 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.

**Taxi Driver Licence Condition 32-** All taxi and private hire drivers must comply with the following smart, not casual, dress code at all times when working: Prohibited attire (Examples) jeans, t-shirts, tracksuit trousers or tops, trainers, football shirts

## OBJECTIONS/REPRESENTATIONS

Legal

## COMMITTEE GUIDELINES/POLICY

Possible breach of Taxi Driver Licence Conditions 1, 17, 22 and 32 each of which would constitute a criminal offence.

Is the licence holder a fit and proper person to hold a licence.

## GROUNDS 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.

## COMPLAINT 1

Good Day,

I have just arrived into Aberdeen off a train from Inverurie.

The weather is poor and the fact my wife is 7 months pregnant then we went to the taxi rank to travel up to Ante Natal clinic.

Several cars in position and a driver signalled to us to use his taxi.

I held open the rear offside passenger door for my wife and the driver kept saying leave it come to other side. I twice pointed out I was holding the door and would walk round to let myself in.

I duly let her in then walked round rear of cab and cane into seat behind him.

As I got into the taxi the driver raised his voice about climbing over seats?!?!?!? At no point were seats climbed over and CCTV and several other drivers can point this out .

I politely reminded him I was holding door open as my wife was pregnant, he said. 'I dinna gie a fuck, if she's pregnant no climbing on seats' .

I reminded him we did not climb in seats I was holding the door for her. I then tried to politely point out I also have a Mercedes and certainly don't climb over seats to which I got 'I dinna gie a fuck I'm nae havin climbing on seats'

I asked him to stop the car and we got out I pointed out to him we never climbed on any fucking seats and I don't care for his fucking attitude.

I make no apologies for swearing at all.

Fortunately another driver that was there let us into their car and we made a journey up to the hospital. No issues, simple conversation and a pleasant journey in poor road conditions.

As for (name redacted), his very average Mercedes and his disgraceful Appearance?

I will let you judge from this picture the mentality of the man.

I think that it says a lot about the city that they allow someone with that appearance to operate a taxi at one of the many gateways to the city for outsiders.

Had I initially been abusive or rude or had climbed on seats then fair enough but that was totally unacceptable. I will pay attention to other city centre users of taxis and listen to hear of others have had similar experience with that man.

## COMPLAINT 1 Photo



### DRIVER RESPONSE

Dear

Regards the complaint you received from passengers on 7/3/23 , I totally disagree with their version of the incident, as in my recollection it was in fact the passenger who stated cursing and swearing as they entered my cab, I did request that they use both doors and not clamber over the centre console and seats as this can cause damage to the leather upholstery.

The man wasn't very happy and went round to the rear driver side but continued to curse and swear,

Obviously he was not happy with the situation and I proceeded to drive away he then shouted that I should to let off, he said he would get another taxi. I did this and they vacated my cab and went back down the taxi rank still cursing and swearing and when

in to the taxi behind me in the rank.

Your reference to my wearing jeans, the trousers I was wearing were Chinos, these I would class as trousers, but if this is not suitable attire then I will refrain from wearing them again.

My ID badge was pinned to my jumper and it is possible that it was hidden under my jacket, going forward I will make sure round my neck so it is always visible.

## COMPLAINT 2

Good morning

I was wondering if you could have a gentle word with these 2 cars please who were picking up from the airport rank outside bristows on Thursday afternoon at 1350 (31.08.23).

If you zoom in you can see the first car has picked up a passenger off the rank and he does this on a daily bases from both heliports on the green zone. Even if they hadn't picked up or had a booking they both should not be sitting on an airport rank and you can clearly see they both are in the photos.

The first car is well known amongst others by all airport cars for sitting directly outside bristows front door with his boot open when there is passengers coming out and is becoming a bit of a nuisance! Even with a booking no cars should be sitting directly outside bristows front door, not even airport cars. Airport cars should be sitting on the rank and booked cars should be in the designated pick up zone for the limited time they are allowed.

The registrations of the 2 cars are W99 MCK and BT69 FPF.



## COMPLAINT 2 DRIVER RESPONSE

Good afternoon

Mr McKenzie has asked me to reply to your email dated 4th September 2023 as he is not computer literate.

Please find below his response.

Approximately three weeks ago he picked up a passenger who on entering his vehicle said 'he was going to Bristow's Heliport' On the way his passenger decided he needed cigarettes so he dropped him off at the Airport Petrol Station and the passenger said 'he would walk from there'. Before he left Mr McKenzie's vehicle he asked for a business card and said he would phone him on his return as it was his first trip and was not sure what happens on his return.

On the day in question the gentleman phoned him at approx 13.40 and said that was him back from offshore and could he pick him up. The gentleman told Mr McKenzie where he was standing and he told him to come away from the taxi rank and that he would pick him up across the road.

When Mr McKenzie arrived the gentleman was still standing at the taxi rank as there was several taxis waiting across the road. Mr McKenzie proceeded to flash his lights and wave his hand to beckon him to come over to the taxi, as a result of being no spaces on the opposite side of the road he had no option but to pull over and pick his fare up.

Mr McKenzie has several customers coming into the heliport as he hands out his business cards like all other driver do.

### COMPLAINT 3

Thank you

Sorry I've only just realised I've emailed you from an old email address (maiden name).

This one has also been back up to his old tricks again if you can have another word with him please..? He's obviously not listening to any warnings.

Kind regards



Link to Video

<\\aberdeencitycouncil0365.sharepoint.com@SSL\DavWWWRoot/sites\OT-LegalLicensing\Shared Documents\General\Licensing\Civic\Committee-2024\21.02.2024\Public Apps\Complaint x4 1276 & T253 W McKenzie\Video.mov>

## COMPLAINT 4

Hello,

Today, 18/11/2023 at 1440, at the Aberdeen Boulevard Retail Park, a taxi driver reversed out of a disabled parking bay at the store front (beside Smyths Toys) in to the side of my stationary vehicle.

I was in the traffic queue waiting to depart the carpark, traffic had backed up pending light change towards exit.

When I swapped details, the driver (reluctantly) shared his name, address and contact number but couldn't recall who his insurer was. He was also quite keen to dismiss the incident, stating it was a minor bump and "would polish out" and "could've been a lot worse". I've since tried calling to exchange insurance details and the number he shared is not in service. I assume this was an error on his part and not a deliberate attempt to mislead.

The details I noted down and some that he provided were:

William McKenzie

(address redacted)

07742906099 (not in service)- invalid number not redacted

He was an older male, who walked with a crutch but had two crutches in his vehicle but only removed one with him when he exited to talk with me, and mentioned he had dropped off passengers who requested to be dropped at the store front and that's why he was parked in the disabled bay and trying to exit.

The vehicle was a Mercedes Benz S-Class, Black, Reg W99 MCK and the "with thanks" slip he provided for me to write my details on had "Aberdeen Rail Taxis" but no contact details noted, which I have since discovered don't have a head office to contact.

He has all my details and since he reversed in to me I would hope that he might contact me, but from his dismissive attitude and reluctance to share information, I am not feeling optimistic.

How best am I to contact this driver? Is there any way you can request the driver to make contact? I am not sure trying to visit his property is the best approach (likely a fake address too to match the fake contact number).

I will contact the police tomorrow if he has not been in touch this evening, and contact the carpark management for cctv footage also.