

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF ENVIRONMENTAL AND HOUSING SERVICES	PUBLIC PROTECTION COMMITTEE	14 th DECEMBER 2022	4
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER – AA			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

AA holds a combined hackney and private hire drivers licence issued by this Authority. Information has been received regarding AA, the details of which will be presented to members at the Committee. The Committee is requested to determine whether they consider AA a fit and proper person to hold a licence.

RECOMMENDATION

That the Committee considers the report and either:

- a) Notes the report and take no further action
- b) Issue a warning letter
- c) Suspend the licence
- d) Revoke the licence

SUMMARY OF PREVIOUS DECISIONS

[23rd March 2022](#) - AA was referred to the Public Protection Committee following a report of driving in an intimidating matter. Warning letter issued.

[16th November 2022](#) – AA was referred to the Public Protection Committee following a complaint that he refused to carry a guide dog. Warning letter to be issued along with a meeting with Fylde Borough Council Senior Officials when he was to be warned regarding his future conduct as a licensed driver.

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	
Efficiency – By spending money in the most efficient way	
Tourism – To create a great place to live and visit	✓

REPORT

1. AA is a current licensed driver, holding a combined hackney carriage and private hire driver's licence which is valid until September 2023. A complaint has been received, further details of which will be provided to members at the meeting.
2. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states "a district council may suspend or revoke or refuse to renew the licence of a driver of a Hackney Carriage or a Private Hire vehicle on any of the following grounds":-
 - a. that he has since the grant of the licence:-
 - i. been convicted of an offence involving dishonesty, indecency or violence
 - ii. been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of the Act; or
 - b. any other reasonable cause"
3. The Council's Statement of Taxi and Private Hire Licensing Policy, concerning "fit and proper persons is attached for members information and use and they should pay particular attention to Section 1 Introduction and Appendix 1.
4. Should the Committee feel it appropriate to suspend or revoke the licence, the grounds for such a decision must be given to the driver within 14 days of the decision and a driver aggrieved by the decision may appeal to the Magistrates' Court.
5. AA has been invited to the meeting and the Committee is therefore requested to consider the report and determine whether to:
 - a. note the report
 - b. issue a warning letter
 - c. suspend the licence
 - d. revoke the licence

IMPLICATIONS	
Finance	No implications arising directly from the report.
Legal	<p>The Committee should have regard to the requirements of fairness and proportionality and to the European Convention of Human Rights in reaching its decision. However, the purpose of the system of driver licensing is to protect the public. If the committee considers that it should suspend or revoke the licence in order to protect the public, it should not concern itself with the effect on the applicant.</p> <p>Where the council has adopted a policy which applies to a particular matter, it must take the policy into account when making its decision. Although it is not bound to follow the policy, any decision that is contrary to it should be supported and explained by clear and adequate reasons for departing from the policy.</p>
Community Safety	No implications arising directly from the report.

Human Rights and Equalities	No implications arising directly from the report.
Sustainability and Environmental Impact	No implications arising directly from the report.
Health & Safety and Risk Management	No implications arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Andy Hough	andy.hough@fylde.gov.uk 01253 658606	6 December 2022

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Fylde Council Taxi and private hire licensing policy		https://new.fylde.gov.uk/business/licensing/taxi-licensing/hackney-carriage-and-private-hire-licensing-policy/

Attached documents

Appendix 1 – Summary of relevant points from Fylde Council’s Hackney Carriage and Private Hire Licensing Policy