

DECISION ITEM

| REPORT OF | MEETING | DATE | ITEM NO |
|---|-----------------------------|------------------|---------|
| RESOURCES DIRECTORATE | PUBLIC PROTECTION COMMITTEE | 21 NOVEMBER 2018 | 5 |
| APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - HGS | | | |

PUBLIC ITEM

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

SUMMARY

Following an application made to Licensing Team, for the grant of a Hackney Carriage and Private Hire Driver's Licence, the Committee is requested to consider the application and determine if they consider the applicant fit and proper to hold such a licence.

RECOMMENDATION

That the Committee consider the report and determine the application.

SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

CORPORATE PRIORITIES

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|--|---|
| Spending your money in the most efficient way to achieve excellent services (Value for Money) | √ |
| Delivering the services that customers expect of an excellent council (Clean and Green) | √ |
| Working with all partners (Vibrant Economy) | √ |
| To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live) | √ |
| Promoting Fylde as a great destination to visit (A Great Place to Visit) | √ |

REPORT

1. An application has been received from HGS for the grant of a Hackney Carriage and Private Hire Driver's licence.
2. In accordance with the standard procedure for all applications, the applicant was required to authorise licensing officers to access his driving licence details via the DVLA.
3. The DVLA check revealed a disqualification from driving for 6 months from 14th July 2017 to 13th January 2018 further information relating to this will be provided to members at the meeting.
4. The applicant declared on his application form that he had been convicted of an offence in July 2017, but made no declaration in respect of the previous penalty points he received previously and the nature of the conviction.

5. Section 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that, “a district council shall not grant a licence to drive a hackney carriage ... unless they are satisfied that the applicant is a fit and proper person to hold a driver’s licence.”
6. Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that, “a district council shall not grant a licence to drive a private hire vehicle unless they are satisfied that the applicant is a fit and proper person to hold a driver’s licence.”
7. The Council updated and adopted the Hackney Carriage and Private Hire Licensing Policy in November 2017. Appendix A of the Policy is the Taxi and PHV Licensing Criminal Convictions Policy and is to be taken into account during the decision making process.
8. The applicant has been invited to attend the hearing and the Committee is therefore asked to determine the application.

| IMPLICATIONS | |
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| Finance | There are no financial implications arising directly from this report |
| Legal | <p>The Committee should have regard to the requirements of fairness and proportionality in its procedures and to the European Convention on 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 refuse the application 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 | There are no implications arising directly from the report. |
| Human Rights and Equalities | There are no implications arising directly from the report. |
| Sustainability and Environmental Impact | There are no implications arising directly from the report. |
| Health & Safety and Risk Management | There are no implications arising directly from the report. |

| LEAD AUTHOR | CONTACT DETAILS | DATE |
|-------------|--|-------------------------------|
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| BACKGROUND PAPERS | | |
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| Name of document | Date | Where available for inspection |
| Hackney Carriage & Private Hire Licensing Policy | Nov 2017 | http://www.fylde.gov.uk/business/licensing/taxilicensing/ |