

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	23 MARCH 2022	4
<b>HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER – AA</b>			

### 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, due to expire on the 5<sup>th</sup> September 2022. 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 is 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

There are no previous decisions relating to this matter.

### 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

- AA is a current licensed driver, holding a combined hackney carriage and private hire driver's licence issued on 6<sup>th</sup> September 2021. Information has come to light that he has potentially driven a licensed private hire vehicle on Ribby Road and Bryning Lane, Wrea Green in an aggressive manner which intimidated a young female driver.
- AA is alleged to have driven in excess of the speed limit, tailgated a vehicle driven by a newly qualified young driver, when in front of the witness drove very slowly and stopped in an unlit junction to prevent the witness

turning. Appendix C – Code of Conduct for Licence Holders of Fylde Councils Hackney Carriage and Private Hire Licensing Policy states that:

Licensed drivers shall -

- 1) Drive with care and due consideration for other road users and pedestrians
  - 2) Obey all traffic orders and directions at all times.
3. 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”
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. Further information will be provided to Members at the meeting. AA has been invited 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	The Committee should have regard to the requirements of fairness and proportionality and to the European Convention of Human Rights in reaching its decision. 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.
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
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Fylde Council Taxi and private hire licensing policy		<a href="https://new.fylde.gov.uk/business/licensing/taxi-licensing/hackney-carriage-and-private-hire-licensing-policy/">https://new.fylde.gov.uk/business/licensing/taxi-licensing/hackney-carriage-and-private-hire-licensing-policy/</a> <a href="https://new.fylde.gov.uk/business/licensing/taxi-licensing/hackney-carriage-and-private-hire-licensing-policy/">https://new.fylde.gov.uk/business/licensing/taxi-licensing/hackney-carriage-and-private-hire-licensing-policy/</a>

Attached documents

Appendix 1 - Appendix A of the Hackney Carriage and Private Hire Licensing Policy