DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	27 SEPTEMBER 2017	6

HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - MI

PUBLIC ITEM

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

SUMMARY

MI is the holder of a combined Hackney Carriage driver and Private Hire driver's licence issued by this Authority. A complaint has been received regarding MI, the details of which will be presented to members at the Committee. The Committee will be requested to determine whether they consider MI 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	
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.   MI is a current licensed driver, holding a combined hackney carriage and private hire driver's licence which is due to expire on the 17th May 2018.

2. A complaint has recently been made regarding MI's conduct whilst acting as a driver, the details of which will be provided to members at the meeting.

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 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. MI 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	There are no implications arising directly from the report.
Legal	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. 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	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		
Name of document	Date	Where available for inspection
None		