

URGENT ITEM

By reason of special circumstances, which are the alleged conduct of AC conduct is sufficiently serious as to need to be dealt with before the next scheduled meeting of the committee on 13 March, the chairman is of the opinion that this item should be considered as a matter of urgency.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	30 JANUARY 2019	URGENT ITEM
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER - AC			

PUBLIC ITEM

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

SUMMARY

AC is the holder of a combined Hackney Carriage driver and Private Hire driver’s licence issued by this Authority. Information has been received regarding AC, the details of which will be presented to members at the Committee. The Committee will be requested to determine whether they consider AC 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

December 2014 - [Public Protection Committee](#)

“The committee considered the matter and RESOLVED to take no further action against AC.”

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. AC is a current licensed driver, holding a combined hackney carriage and private hire driver's licence which is due to expire on the 3rd May 2019.
2. Information has recently received regarding AC's conduct, 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. An appeal to a decision to suspend or revoke may be made to the Magistrates Court, and commenced by notice of appeal given within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
5. Furthermore, any suspension or revocation may take immediate effect in accordance with S61 (2)(b) of the Act if it appears in the interest of public safety to do so. In such an instance, a notice should be provided to the driver including a statement "that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver".
6. AC 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	The Committee should have regard to the requirements of fairness and proportionality and to the European Convention on 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
Hackney Carriage & Private Hire Licensing Policy	Nov 2017	http://www.fylde.gov.uk/business/licensing/taxilicensing/