

## RECORD OF DELEGATED DECISION (OFFICER)

1. Decision Reference No.	CEX462
2. Name/Title of Officer	Pranali Parikh Director for Growth & Regeneration
3. Email address of Officer	<a href="mailto:pparikh@melton.gov.uk">pparikh@melton.gov.uk</a>
4. Title / Subject Matter:	Determination on immediate revocation of a Combined Hackney Carriage / Private Hire Drivers Licence CD206
5. Type of Decision: (The decision will be published in its entirety unless it contains exempt information as described in Section 1.4 of the <a href="#">Council's Access to Information Rules</a> )	Not exempt, but the statements are.
6. Key Decision?	No
<p><b>7. Decision Taken:</b></p> <p>In regard to:</p> <ol style="list-style-type: none"> <li>1. the Licensee has been subject to a test purchase and stated unsolicited racial comments.</li> <li>2. The driver's driving made the passenger uncomfortable as whilst the driver was pontificating about his views, he was turning around speaking to the rear passenger not paying attention to where he was going for many seconds.</li> <li>3. The driver was not displaying the ID badge either on clothing or in the vehicle.</li> </ol> <p>The Licensee should have their licence revoked with immediate effect to ensure the safety of the public.</p>	
<p><b>8. Reasons for Decision:</b></p> <p>The licensee has held a Hackney Carriage/Private Hire Drivers licence with Melton Borough Council since December 2015.</p> <p>The licensing team have received 5 complaints from separate parties, relating to the licensee since 2018. These related to complaints about driving standards and behaviour. In 2018 he was required to attend a driver assessment course and in 2019 was issued with 6 points on his combined Hackney Carriage/Private Hire Drivers badge for unsatisfactory behaviour or conduct of driver. The next 3 reports were about his threatening and abusive behaviour. These were passed to the previous Licensing Enforcement Officer to deal with, however that officer has now left the authority and the records are not complete. It is believed that the persons reporting, were unwilling to provide statements.</p> <p>On the 21<sup>st</sup> June 2024, the licensing team received a complaint regarding the dangerous driving and the behaviour of the driver, which raised concerns (<b>APPENDIX A</b>). The person reporting passed full details to the licensing officer, however they too were reluctant to provide a statement. Based on the complaint</p>	

history and severity of what was being alleged, a test purchase was arranged to assess the driver ourselves.

The test purchaser was an employee of Melton Borough Council and had booked a journey from Melton Railway Station to Brooksby College campus.

The test purchaser has provided a statement of his journey, where unsolicited racial comments were made, along with his observations and uneasy feeling about his driving (**APPENDIX B**).

Based on their experience alone, it is believed:

- A. The Licensee is not a fit and proper person – spouting unsolicited racist views to a customer.**
- B. His driving fell below what is expected of a licensed driver.**
- C. He was not wearing or had visible, his ID badge contrary to the Melton Hackney Carriage & Private Hire Licensing Policy.**

The Melton Borough Council Hackney Carriage and Private Hire Licensing Policy 2021 Section 2.2 states that:

*Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to consider the following question: 'Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?'*

It further states:

*The Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to drive a hackney carriage or private hire vehicle, and that person must then remain fit and proper for the duration of that licence. The fitness and propriety of a driver will be monitored and assessed throughout the period that the licence is held*

Section 5.1 of the policy states:

*Whilst criminal convictions play a significant part in the Council's determination as to whether an individual is 'fit and proper', the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities and other information from other bodies such as the Police.*

As a result, the licensee should have their Hackney Carriage/Private Hire Drivers Licence revoked and their details placed on the NR3S register.

The licensee should be informed of their ability to appeal the decision to revoke if they are not happy, in accordance with the policy.

## **9. Authority / Legal Power:**

(Please detail where your authority comes from e.g. Committee Minute, Constitution or Legal power i.e. what enables you to take this course of action)

**The Local Government (Miscellaneous Provisions) Act 1976 Section 61 (1) (b) states:**

## **61 - Suspension and revocation of drivers' licences.**

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds.....

(b) any other reasonable cause.

Section 61(2) goes on to provide that a suspension or revocation normally takes effect at the end of the period of 21 days beginning on the day on which notice is given to the driver but;

If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes the statement that this is so and an explanation why then the suspension or revocation takes immediate effect when the notice is given. These provisions (setting out when the decision takes effect) were inserted by the Road Safety Act 2006.

2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.

The Director for Growth and Regeneration and Licensing Sub-Committee have a delegation set out at Chapter 2 Part 8 Section 1.8 of the Constitution to:

“Determine any matter relating to the functions of private hire and hackney carriage licensing functions under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and any secondary or subsequent legislation”

### **10. Background Papers attached?**

(Background papers are to be attached (unless exempt))

**No**

### **11. Alternative options available / rejected:**

(Briefly summarise what other options, if any, are available or considered and why they were rejected.)

1. Do nothing – failing to do anything when a finding of fact has been made would undermine the licensing process.
2. Add points to his Hackney Carriage/Private Hire Licence – this has been done before and has not acted as a deterrent or prevented a repeat of his behaviour.
3. His pontificating was causing such aggravation, that he was taking his eyes off the road thus endangering the safety of his passengers and other road users. Words of advice have previously been given to him and this would therefore not address the concerns about poor driving or use of inappropriate language.
4. Require the driver to attend a driver assessment course – this has been done once already and doesn't address the racial element or the continued poor driving.

**12. Implications:**

<b>Legal</b>	None
<b>Finance</b>	None
<b>HR</b>	None

**13. APPROVAL/SIGN OFF (Do not complete until all implications signed off at Section 12)**

<b>Signature of Decision Maker with authority to sign (See Section 9):</b>	Email approval received or signature redacted <b>Pranali Parikh</b> <b>Director for Growth &amp; Regeneration</b>
<b>Notification of Delegated Decision:</b>	<b>Cllr M Glancy</b> <b>Portfolio Holder for Growth &amp; Regeneration</b>  <b>Cllr S Carter</b> <b>Chair of Licensing Committee (Taxi and General)</b>
<b>Date:</b>	<b>1 July 2024</b>

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