
JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Monday, 22nd August, 2016

Present: Councillor Joyce Plummer (in the Chair), Councillors Paul Cox, Stewart Eaves, Melissa Fisher, Julie Livesey and Paddy Short

Apologies Councillor Eamonn Higgins

119 Apology for Absence

An apology for absence was submitted from Councillor Eamonn Higgins.

120 Substitution

Councillor Paul Cox attended the meeting as substitute representative for Councillor Eamonn Higgins.

121 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

122 Minutes of Last Meeting

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 27th June 2016 were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

123 Licensing Procedure - Complaints

The Licensing Procedure to be followed at the meeting in relation to complaints lodged against licensed Hackney Carriage and Private Hire Drivers was submitted. A copy of the Procedure had been sent to the complainant and the driver (MT).

Resolved - **That the Procedure be noted.**

124 Licensing Guidelines

The Licensing Guidelines (Appendix G of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013 - 2016) were submitted. A copy of the Guidelines had been sent to the complainant and the drivers.

Resolved - **That the Guidelines be noted.**

125 Exclusion of the Public

Resolved

- That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the items.

126 Report Relating to a Licensed Private Hire Driver (MT)

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services) submitted a report informing the Committee of relevant issues relating to a licensed joint vehicle driver (MT). A complaint had been lodged by a member of the public against the driver and was set out in the report. The following documents were appended to the report:-

- Appendix 1 - Copy of final written warning letter
- Appendix 2 - Copy of a witness statement
- Appendix 3 - Copy of the driver's statement

The following additional documents had been circulated to the Committee at the request of the driver:-

- (i) Statement of Truth from the driver
- (ii) Statement of Truth from employee of Max Cabs
- (iii) Copy of log of voice calls made from driver's mobile phone
- (iv) Photograph of Max Cabs log entry of taxi booking call received
- (v) Mobile phone photograph of torn fare payment notes
- (vi) Transcript of telephone call made by the complainant's partner to Max Cabs about the incident

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of the complaint was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (MT) and his representative had been invited to attend the meeting and in that respect, the driver and his Solicitor (JB) were in attendance. At the request of the driver, the Max Cabs employee who had provided a Statement of Truth was invited into the meeting and spoke on the contents of his Statement and in support of the driver. The complainant (TA) and her representative had also been invited to the meeting and in that respect, the complainant and her representative (GM) were in attendance.

The Committee was requested to:-

- (a) Determine whether the facts related in the complaint were substantially true;

- (b) Having made a finding of the facts, decide whether those facts revealed if the driver had acted either unlawfully or in breach of any legislations, regulation or licence condition governing the conduct of licensed private hire vehicle drivers; and,
- (c) Determine what action, if any, should be taken against the driver.

Decision of the Committee:-

Resolved

- (1) That the complaint lodged against the joint vehicle driver (MT) be upheld. The Committee had not accepted the evidence provided by the driver or the complainant unconditionally but had been satisfied that there were elements of truth in both accounts. The Committee therefore concluded that on the balance of probabilities the circumstances favoured the complainant in that the behaviour of the driver was inappropriate and therefore merited a suspension of his joint vehicle driver licence; and**
- (2) That, as the conduct of the driver (MT) had been inappropriate and not that expected of a licensed joint vehicle driver, his licence be suspended for a period of fourteen days pursuant to Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and for the reasons outlined at the meeting and set out in the decision notice.**

127 Application for a Private Hire Driver's Licence (MM)

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services) submitted a report outlining an application for a private hire vehicle driver licence.

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of convictions which included plying for hire and two serious complaints was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the applicant (MM) and his representative had been invited to attend the meeting and in that respect, the applicant and his representative (MY) were in attendance.

The Committee was requested to consider whether the applicant was a fit and proper person to be licensed.

Decision of the Committee:-

Resolved

- That, as the applicant (MM) was not considered to be a 'fit and proper person', his application for a Private Hire Vehicle Driver Licence be refused for the reasons outlined at the meeting and set out in the decision notice.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed