
JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Tuesday, 25th October, 2016

Present: Councillor Joyce Plummer (in the Chair), Councillors Stewart Eaves, Melissa Fisher, Eamonn Higgins, Terry Hurn and Paddy Short

Apologies Councillor Julie Livesey

210 Apology for Absence

An apology for absence was submitted from Councillor Julie Livesey.

211 Substitution

Councillor Terry Hurn attended the meeting as substitute representative for Councillor Julie Livesey.

212 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

213 Minutes of Last Meeting

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 22nd August 2016 were submitted for approval as a correct record.

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

214 Court Report - Mr. Haqnawaz Ali

A report advising the Committee on the outcome of court proceedings relating to an appeal to the Magistrates Court by Mr. Haqnawaz Ali following the revocation of his private hire vehicle driver's licence was submitted. The appeal had been upheld.

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

215 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 driver and the complainants.

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

216 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 driver and the complainants.

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

217 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 item, 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 item.**

218 Report Relating to a Licensed Private Hire Driver (MA)

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 private hire vehicle driver (MA). Two complaints had been lodged by members of the public against the driver and were set out in the report. The following documents were appended to the report:-

- Appendix 1 Copy of decision notice dated 01/02/2016
- Appendix 2 Copy of complaint dated 10/08/2016
- Appendix 3 Copy of interview notes dated 22/08/2016
- Appendix 4 Copy of complaint dated 17/08/2016
- Appendix 5 Copy of interview notes dated 19/09/2016

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 two complaints, convictions, cautions and four previous complaints was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (MA) and his representative had been invited to attend the meeting and in that respect, the driver was in attendance. The complainants (JF and AM) and their representatives had also been invited to the meeting and in that respect, the complainants were in attendance.

The Committee was requested to:-

- (a) Determine whether the facts related in the complaints 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 legislation, 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.

Resolved

- (1) That the complaints lodged against the Private Hire Driver (MA) be upheld. On the evidence provided, the Committee found in favour of the complaints as it believed that the version of the events related by both of the Complainants were on the balance of probability more accurate; and,**
- (2) That, as the driver (MA) was not considered to be a 'fit and proper person', in that his conduct had been inappropriate and not that expected of a licensed private hire vehicle driver, his private hire driver's licence be revoked pursuant to Sections 61(1)(a)(ii) and 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety; the revocation to be with immediate effect pursuant to Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by the Road Safety Act 2006) and 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