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# **JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)**

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**Wednesday, 29th March, 2023**

**Present:** Councillor Peter Britcliffe (in the Chair), Councillors Sajid Mahmood (Vice Chair), Bernard Dawson MBE, Loraine Cox, Susan Hayes and Munsif Dad BEM JP

**Apologies** Councillor Melissa Fisher

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## **364 Apologies for absence, Substitutions, Declarations of Interest and Dispensations**

An apology for absence was submitted on behalf of Councillor Melissa Fisher.

Councillor Munsif Dad BEM acted as substitute representative for Councillor Fisher.

Councillors Munsif Dad BEM and Councillor Sajid Mahmood declared a prejudicial interest in item 6 of the agenda – Report relating to a Private Hire Driver FH. Both declared that they were known to the family of the driver and as such considered that they should leave the meeting and take no further part in the debate and determination of the case.

There were no dispensations declared at the meeting.

## **365 Minutes of Last Meeting**

The Minutes of the last meeting of the Judicial Committee (Private Hire and Hackney Carriage) held on 21<sup>st</sup> November 2023 were submitted for approval as a correct record.

**Resolved** - **That the minutes of the meeting held on 21<sup>st</sup> November 2023 be received and approved as a correct record.**

## **366 Licensing Procedure for Meetings of the Committee**

The Licensing Procedure to be followed at the meeting in relation to Hackney Carriage and private hire driver's licences was submitted. A copy had been provided to the driver and his representative.

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

## **367 Licensing Guidelines**

The Institute of Licensing's Guidelines for Hackney Carriage and Private Hire Trades was submitted, which was used to assist Hyndburn Borough Council when determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades. A copy of the Guidance had been sent to the driver.

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

## 368 Exclusion of the Public

### Resolved

- That. In accordance with Section 100A(4) Local Government Act 1972, the public were 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 Paragraphs at Schedule 12A of the Act, specified at the item.

## 369 Report Relating to a Licensed Private Hire Driver FH

*Exempt information under the Local Government Act 1972, Schedule 12, Paragraph 1 – Information relating to any individual*

In accordance with the licensing procedure the driver, (FH), had been invited to attend the meeting and was present and accompanied by his representative.

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services), submitted a report informing the Committee of relevant information relating to the background of the matter and the driver's previous history. She referred to Council Policy on determining the suitability of those in the hackney carriage and private hire trade and advised that the policy should only be departed from in exceptional circumstances. The applicant's previous history was summarised in paragraph 3.0 of the report.

The driver and their representative replied to issues raised at the meeting and asked the Committee to take into consideration mitigating circumstances when making their decision.

The Committee were requested to consider the issues raised in the report and the representations made at the meeting. They were asked to determine whether the driver remained a fit and proper person to hold a private hire and hackney carriage joint driver's licence. The Committee, having taken into consideration Council Policy on determining the suitability of those in the hackney carriage and private hire trade, came to the following decision.

### Resolved

- That, having considered the issues raised at the meeting the Committee considered that, on this occasion, there were enough mitigating circumstances to depart from Council policy and these were listed during the meeting. It was, therefore, considered that the driver would benefit from attending a Road Safety Awareness Course as well as being issued with a written warning.

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed