
JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Tuesday, 23rd January, 2024

Present: Councillor Peter Britcliffe (in the Chair), Councillors Sajid Mahmood (Vice Chair), Melissa Fisher, Bernard Dawson MBE, Loraine Cox and Joyce Plummer

Apologies None

273 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

There were no apologies, substitutions, declarations of interest or dispensations declared at the meeting.

274 Minutes of Last Meeting - 19th December 2023

The Minutes of the meeting of Cabinet held on 19th December 2023 were submitted for approval as a correct record.

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

275 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.

Resolved - That the Procedure be noted.

276 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.

277 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.

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

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 (MA) had been invited to attend the meeting and was present.

The Licensing Manager, on behalf of the Executive Director (Legal & Democratic Services) submitted a report inviting the Committee to consider what action to take, if any, in respect of the driver's private hire vehicle licence. She provided relevant information relating to why the Committee had been asked to consider what action to take and in respect of the driver's previous history as set out in paragraph 3.0 of the report. The Committee was referred to Council Policy relating to vehicle proprietors and it was explained that the Council's supplementary testing manual formed part of the Taxi Licensing Policy, which supplemented the Rules Regulations and Procedures for Hackney Carriage and Private Hire Licensing which was established to ensure that all vehicles licensed by Hyndburn Borough Council were of a high standard and suitable, safe and fit to be licensed. The Committee also heard from the Council Licensing Enforcement Officer and the Transport Manager.

The driver was given the opportunity to provide the Committee with a response and apologised for the problems raised in the report and provided details of how they had taken steps to resolve the matter.

Members were given the opportunity to ask questions of both the officers and the driver before being requested to consider the representations made at the meeting and the issues raised in the report. They were asked to determine whether the proprietor remained a fit and proper person to hold a private hire vehicle licence.

After retiring to consider its decision, the Committee came to the following determination:

Resolved

- **That, having considered the issues raised at the meeting, the Committee determined that the proprietor of the vehicle had continuously failed to maintain it and that the vehicle had been unsafe for a number of years. The vehicle had failed its test on 10 consecutive occasions and the proprietor had made no attempt to ensure that the vehicle was fit for use placing other road users and passengers in danger. The Committee, acknowledged the driver's honesty and openness before the Judicial Committee and noted that the driver had now put a maintenance check in place for the vehicle. However they concluded that the matter was extremely serious and warranted the issue to be dealt with accordingly. They determined that in accordance with Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 there was reasonable cause to suspend the vehicle licence for a period of 3 months. The proprietor was also told that following the suspension period the vehicle must pass a full**

compliance test at the Councils Vehicle Maintenance Unit before it could be used as a private hire vehicle again.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed