
JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Wednesday, 20th March, 2019

Present: Councillor Melissa Fisher (in the Chair), Councillors Joyce Plummer (Vice Chair), Stewart Eaves, Lisa Allen, Terry Hurn and Parkins

Apologies Eamonn Higgins

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

An apology for absence was submitted on behalf of Councillor Higgins.

Councillor Parkins acted as substitute representative for Councillor Higgins.

There were no interests declared at the meeting.

345 Minutes of Last Meeting Held on 19th December 2018

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 19th December 2018 were submitted for approval as a correct record.

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

346 Licensing Procedure for Meetings of the Committee

The General Licensing Procedure to be followed at the meeting in relation to Hackney Carriage and Private Hire drivers licences was submitted. A copy of the procedure had been sent to those attending the meeting.

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

347 Licensing Guidelines

The Institute of Licensing Policy for Hackney Carriage and Private Hire trades was submitted to assist Hyndburn Borough Council when determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades. This replaced the previous convictions policy and was approved by Cabinet on the 10th October 2018.

A copy of the Guidance was sent to those attending the meeting.

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

348 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 Paragraphs at Schedule 12A of the Act specified at items.

349 Report Relating to a Licensed Private Hire Driver (MS)

(Exempt Information under the Local Government Act 1972, Paragraph 1 – Information relating to any individual)

The Licensing Enforcement Officer submitted a report informing the Committee of relevant issues relating to a licensed private hire vehicle driver licence (MS) and an Operator's licence. A complaint had been lodged against the private hire driver (MS) and was set out in the report. Members were also requested to consider if the matters contained within the report gave reasonable cause to suspend, revoke, issue a warning or take no further action about the private hire operator's licence.

In accordance with licensing procedure, the private hire driver (MS) and a representative had been invited to attend the meeting and both were in attendance.

The private hire driver's representative referred to the issue relating to the Operator's licence as set out in the report and pointed out that the licence had been made in the company's name. The representative indicated that as this was a joint business venture and no notice of the meeting had been given to the business partner it would be unfair to pursue proceedings as the outcome of the hearing would equally affect both partners.

After a short adjournment a copy of the Operator's licence was circulated amongst the attendees of the meeting. In light of this information Members came to the conclusion that it would not be fair or appropriate to proceed with the hearing in respect of the Operator's licence. The Committee therefore commenced the meeting giving consideration only to the private hire driver's licence.

Attention was drawn to the policy and guidelines on the relevance of the incidents set out in the report and the applicant's previous history and convictions as a private hire driver for Hyndburn Borough Council.

The following documents were appended to the report:

Appendix 1 – Warning issued

Appendix 2 – Warning issued

Appendix 3 – Grant of application with warning in February 2014

The Committee was requested to consider whether the applicant was a safe and suitable person to be a licensed private hire driver.

The Licensing Enforcement Officer and the Licensing Manager provided information in respect of an incident in January 2019 and the private hire driver's previous work history and responded to Members' questions in respect of further clarification of events. The applicant was provided with an opportunity to respond to questions submitted by Members in relation to this incident and questions relating to his past history.

The private hire driver's representative informed the Committee that his client had felt that the Licensing Officers had been unnecessarily harsh in raising a number of issues relating to the private hire driver's behaviour which had resulted in a letter of complaint to the

Council. After a short adjournment a response to a complaint submitted by the private hire driver was read out to the Committee.

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 drivers; and
- (c) Determine what action, if any, should be taken against the driver.

Decision of the Committee:-

- Resolved**
- **That the complaint against the private hire driver (MS) be upheld. The Committee accepted the evidence provided by the Licensing Officers and found that the behaviour of the driver had been consistently inappropriate and that he was not considered to be a 'safe and suitable person' to hold a private hire driver's licence. The Committee determined that his private hire driver's licence be revoked pursuant to Section 61(1)(b) of the Local Government Act 1976 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