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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

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**Wednesday, 31st July, 2019**

**Present:** Councillor Melissa Fisher (in the Chair), Councillors Diane Fielding (Vice Chair), Joyce Plummer, Stewart Eaves, Terry Hurn and Addison

**Apologies** Sara Britcliffe

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**91 Apologies for absence, Substitutions, Declarations of Interest and Dispensations**

Apologies for absence were submitted on behalf of Councillor Sara Britcliffe. Councillor Judith Addison acted as substitute representative for Councillor Britcliffe.

There were no declarations of interest or dispensations.

**92 Minutes of Last Meeting of the 20th March 2019**

The Minutes of the last meeting of the Judicial Committee (Private Hire and Hackney Carriage) held on 20<sup>th</sup> March 2019 were submitted for approval as a correct record.

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

**93 Licensing Procedure for Meetings of the Committee**

The General Licensing Procedure and the Complaints Licensing Procedure to be followed at the meeting in relation to hackney carriage and private hire driver licences were submitted. A copy had been sent to the applicant.

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

**94 Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades**

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. A copy of the Guidance had been sent to the applicant.

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

**95 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 Paragraphs at Schedule 12A of the Act specified at the item.**

**96 Report Relating to a Licensed Private Hire Driver (AA)**

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

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 driver (AA). A complaint had been lodged against the driver and this was set out in the report.

The following documents were appended to the report: three witness statements and a letter from Forbes Solicitors.

Attention was drawn to the policy and guidelines for Hackney Carriage and Private Hire trades and the suitability of applicants and licensees.

In accordance with licensing procedures, the driver (AA) and a representative had been invited to attend the meeting. The driver attended the meeting with an interpreter and his solicitor.

The witnesses had also been invited to attend the meeting and one witness was present.

The solicitor representing (AA) referred to the presence of the witness at the meeting. He reported that as there was an ongoing insurance matter between the witness and his client, the witness should leave the meeting to prevent any prejudice to the matter. He indicated that should the witness remain, his client (AA) would be unable to provide any details of the incident and would have to leave the meeting. He requested that, for this reason, the witness should leave the meeting when his client was addressing members, or that the meeting be adjourned to a date after the insurance matter was resolved.

The Chair considered the request of the Solicitor but determined:

- (a) That the Committee was not determining liability which was subject of the insurance matter but was determining whether there was any reasonable cause to suspend or revoke AA's private hire driver' licence, and these two issues were separate;
- (b) The Committee was under a duty to consider the complaint before them in the interest of public safety and an adjournment was not in the public interest;
- (c) The Committee should have the full facts before them;
- (d) AA was required to be truthful both to the meeting and to insurance company.

And on these grounds the Chair held that the witness could be present throughout the meeting.

The applicant and his representatives then left the meeting.

The Committee continued to hear the case in their absence and went on to:

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

- (b) Having made a finding of the facts, decide whether those facts gave reasonable cause for the Committee to consider revoking or suspending AA's private hire driver's licence; and
- (c) Determine what action, if any should be taken against the driver.

**Resolved**

- **That, having given consideration to the report submitted by the Licensing Manager, and after hearing evidence from the complainant and having seen CCTV evidence of the incident, which gave rise to the complaint, the Committee considered that the driver's behaviour had been inappropriate and fallen short of what was expected of licensed drivers in the Borough of Hyndburn. The Committee determined that the driver's licence be suspended for a period of 28 days pursuant to Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, subject to the driver's right to appeal.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed