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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

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**Wednesday, 13th January, 2021**

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

**Apologies** Sara Britcliffe MP

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

An apology for absence was submitted on behalf of Councillor Sara Britcliffe. Councillor Marlene Haworth acted as substitute representative on her behalf.

There were no declarations of interest or dispensations.

## **101 Minutes of Last Meeting held on 25th November 2020**

The Minutes of the Judicial Committee (Private Hire & Hackney Carriage) held on the 25<sup>th</sup> November 2020 were submitted for approval as a correct record.

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

## **102 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' and operators' licences was submitted. A copy had been sent to the licence holder.

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

## **103 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 licence holder.

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

## **104 Exclusion of the Public**

**That, in accordance with Section 100A(4) Local Government Act 1972, the public was 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.**

**105 Report of Urgent Council Decision - Rescinding of a Decision of Judicial Committee held on 25th November 2020**

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

The Licensing Manager reported on the use of the Council's Urgency Procedure to rescind the revocation of a hackney carriage and private hire joint driver's licence for the reasons set out in the report.

**Resolved** - **That the use of the Council's Urgency Procedure be noted.**

**106 Consideration of an Existing Hackney Carriage and Private Hire Joint Driver's Licence (SK)**

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

In accordance with licensing procedure the driver (SK) and his representative had been invited to attend the meeting but had contacted the Council to inform the Committee that they would not be present. Members, therefore, gave consideration to deferring the meeting to a future date or holding the hearing in the driver's absence.

**Resolved** - **That Members of the Judicial Committee agreed to hear the case, in respect of item 7, in the absence of the driver.**

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 and hackney carriage driver (SK). Members were asked to consider matters contained in the report and any representations made by the applicant and his representative. Members also heard from a complainant who gave evidence to the Committee of the driver's conduct while he was a passenger of the driver. The complaint and following documents were relevant to the case and were included for consideration along with details of the driver's driving convictions and his failure to notify the Council of these convictions:-

A complaint from a customer received on 13<sup>th</sup> August 2020.

Appendix 1 – email chain requesting a representation

Appendix 2 – email representation received.

Appendix 3 – Warning letter

Appendix 4 – Previous committee report and decision

Appendix 5 – Warning letter

The Committee was requested to consider the issues outline above and:-

- (a) Determine whether the complaint was established;
- (b) Having made a finding of the facts, decide whether those facts revealed if the driver had acted in any way which would bring into doubt whether he was safe and suitable to hold a driver's licence with the Council; and
- (c) Determine what action, if any, should be taken against the driver.

**Decision of the Committee:-**

Resolved

- That, the Committee considered the offence of using a mobile phone whilst driving to be a serious matter and taking into account the Councils convictions policy, and representations made, they could not see any compelling reason to deviate from the Councils own policy. The Committee also accepted the evidence provided by the complainant and considered that the behaviour of the driver (SK) had been consistently below the standard expected of a licensed hackney carriage and private hire driver and that he had consistently failed to improve and was therefore considered not a safe and suitable person to hold a hackney carriage and private hire driver's licence. They determined that the driver's licence be revoked with immediate effect pursuant, respectively, to Section 61 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, for the reasons outlined in the meeting and set out in the decision notice.

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed