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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

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**Tuesday, 12th July, 2022**

**Present:** Councillor Peter Britcliffe (in the Chair), Councillors Bernard Dawson, Susan Hayes, Sajid Mahmood (Vice Chair) and Joyce Plummer (substituting for Loraine Cox)

**Apologies** Loraine Cox and Melissa Fisher

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

Apologies for absence were submitted on behalf of Councillors Loraine Cox and Melissa Fisher. Councillor Sajid Mahmood was present from 3.00pm in connection with Agenda items 6 and 7.

Councillor Joyce Plummer was attending as a substitute on behalf of Councillor Loraine Cox.

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

**51 Minutes of Last Meeting**

The Minutes of the last meeting of the Judicial Committee (Private Hire and Hackney Carriage) held on 1<sup>st</sup> December 2021 were submitted for approval as a correct record.

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

**52 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 provided to the licence holders/applicants.

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

**53 Licensing Guidelines**

The Institute of Licensing's Guidelines for Hackney Carriage and Private Hire Trades were submitted, which were 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 holders/applicants.

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

**54 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 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 the item.

With the consent of the meeting, Agenda Item 8 was taken next.

**55 Consideration of an Existing Hackney Carriage and Private Hire Joint Driver's Licence**

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

In accordance with the licensing procedure the driver, (TY), had been invited to attend the meeting but was not able to be present today. The complainants had been invited to attend but were also not present. Members decided to determine the matter in the absence of the parties on the basis that they considered that they had all of the information necessary to consider the matter properly.

The Licensing Manager submitted a report informing the Committee of relevant background relating to the period of time during which the licensee had held a private hire an hackney carriage joint driver's licence. The report also contained information about a complaint received from a group of customers about a journey undertaken on 25<sup>th</sup> May 2022, alleging issues in relation to the driver's fitness to drive due to fatigue.

The licence holder had responded in writing to those allegations and outlined the circumstances of the fare.

The Committee was requested to consider the issues raised in the report and determine whether there was reasonable cause to suspend or revoke the licensee's private hire and hackney carriage joint driver's licence, whether to issue a warning, or whether to take no further action.

**Decision of the Committee:**

**Resolved**

- (1) That, having taken into account the written information submitted to the Committee, including the information from the complainants and the licence holder, as well as the driver's previous history and the hours worked as recorded in the taxi operator's log of jobs, the Committee determined to issue the licence holder (TY) with a written warning about the need to carefully manage his hours of work to prevent fatigue.**
- (2) That a reminder letter be sent to all taxi operators to remind them of the need to ensure drivers take sufficient breaks during their working day and should under no circumstances drive while feeling excessively tired or sleepy.**

- (3) That the Licensing Manager be requested to send a response to the complainants about the action taken by the Council.**

The meeting was adjourned at approximately 2:15pm until 3:00pm. Councillor Sajid Mahmood was in attendance when the meeting reconvened.

**56 Consideration of an Existing Hackney Carriage and Private Hire Joint Driver's Licence**

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

In accordance with the licensing procedure the driver, (HY), had been invited to attend the meeting. The driver and his representative, Mr Mohammed Younis, were both present. The complainant, another licenced driver, had been invited to attend and was also present.

The Licensing Manager submitted a report informing the Committee of relevant background relating to the period of time during which the licensee had held a private hire an hackney carriage joint driver's licence. The report also contained information about a complaint received from another licensed taxi driver about an alleged incident which had occurred on Sunday 5<sup>th</sup> June 2022, which had been captured on CCTV.

The licence holder had been provided with an opportunity to respond to the complaint and had subsequently received a copy of the CCTV footage.

Members viewed a copy of the CCTV footage. The Committee was reminded of the Council's policy with regard to violence. The Committee was requested to consider the issues raised in the report and determine whether there was reasonable cause to suspend or revoke the licensee's private hire and hackney carriage joint driver's licence, whether to issue a warning, or whether to take no further action.

**Decision of the Committee:**

**Resolved**

- **That, having taken into account the written information submitted to the Committee, including the information from the complainant, as well as the driver's previous history, together with the CCTV footage and the oral representations made by the both complainant and the licence holder and his representative, the Committee determined to suspend the driver's (HY's) licence for a period of 2 months with immediate effect, for the reasons set out in the decision notice.**

The Chair requested that officers review the procedure note used for the hearings, in the light of some potential inconsistencies with the current practice.

**57 Consideration of a Grant of a Private Hire Driver's Licence**

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

In accordance with the licensing procedure the applicant, (WH), had been invited to attend the meeting. The applicant and his representative, Mr Mohammed Younis, were both present.

The Licensing Manager submitted a report informing the Committee of relevant information and background relating to the application.

The Chair noted the time was now quite late and that if the case were to commence it might need to be adjourned part way into the hearing. Accordingly, he asked if the applicant would agree to postpone the case for approximately two weeks. The applicant and his representative agreed to defer the case.

**Decision of the Committee:**

- Resolved**
- **That with the agreement of the applicant (WH) and his representative, the hearing be deferred for a period of approximately two weeks.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed