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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

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**Tuesday, 1st August, 2023**

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

## **Apologies**

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

There were no apologies for absence, register of interests or dispensations declared at the meeting.

### **371 Minutes of Last Meeting - 29th March 2023**

The Minutes of the last meeting of the Judicial Committee (Private Hire and Hackney Carriage) held on 29<sup>th</sup> March, 2023 were submitted for approval as a correct record.

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

### **372 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 and his representative.

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

### **373 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.

### **374 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.

### **375 Report Relating to a Licensed Private Hire Driver (HY)**

*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 (HY) had been invited to attend the meeting and was present and accompanied by a representative and a witness in their support.

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services), submitted a report inviting the Committee to consider what action to take, if any, in respect of a driver's private hire and hackney carriage joint driver's licence which was due to expire. She provided relevant information relating to why the application to renew the licence had been brought before the Committee. She gave details of the driver's previous history, as outlined in paragraph 3.0 of the report and referred to a recent driving incident. The Committee was referred to Council Policy on determining the suitability of those in the hackney carriage and private hire trade and advised that the policy should only be departed from in exceptional circumstances.

The driver and their representative replied to issues raised at the meeting and asked the Committee to take into consideration mitigating circumstances when making their decision. A witness for the driver was also in attendance and requested that a number of documents were circulated to members of the Committee in support of the driver's explanation. The meeting was adjourned to allow Members time to read the documents.

The meeting was reconvened and the driver's representative gave further details with regards to the additional information circulated at the meeting.

The Committee was requested to consider the issues raised in the report and the representations made at the meeting. They were asked to determine whether the driver remained a fit and proper person to hold a private hire and hackney carriage joint driver's licence. The Committee considered this a very much last chance given the driver's previous history and warned that further appearances in front of the Committee could lead to the revocation of their licence. However, having taken into consideration Council Policy on determining the suitability of those in the hackney carriage and private hire trade and the mitigating circumstances surrounding the matter, the Committee came to the following decision.

#### **Resolved**

- **That, having considered the issues raised at the meeting the Committee decided that the driver was not a fit and proper person to hold a hackney carriage and private hire driver's licence at this time. Under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 they determined that there was reasonable cause to suspend the driver's licence for three months and under Section 61(2B) that the suspension should have immediate effect.**

**In considering their decision the Committee determined that although a driving offence had been committed, the surrounding circumstances were mitigating enough to be considered sufficiently exceptional to allow departure from Council Policy.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed