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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

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**Monday, 16th October, 2023**

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

**Apologies** Councillor Melissa Fisher

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

An apology for absence was submitted on behalf of Councillor Melissa Fisher. There were no substitutions, declarations of interest or dispensations declared at the meeting.

**162 Minutes of Last Meeting - 1st August 2023**

The Minutes of the last meeting held on 1<sup>st</sup> August 2023 were submitted for approval as a correct record.

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

**163 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.

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

**164 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.

**165 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.

**166 Report Relating to a Licensed Private Hire Driver (MC)**

*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 (MC) had been invited to attend the meeting but was unavailable. The Committee was informed that the driver had, therefore, made a request for a relative attend on their behalf. In this respect, the Committee was requested to give consideration to hearing the case in the absence of the driver but agreeing that the relative could act as the driver's representative or to adjourn the meeting to a later date.

**Resolved** - **That, having given consideration to the absence of the driver and to their request for a relative to act as representative in their absence, the Committee agreed for the hearing to commence.**

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. She provided relevant information relating to why the Committee had been asked to consider what action to take in respect of the driver's private hire and hackney carriage joint driver's licence. She gave details of the driver's previous history as set out 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 representative of the driver provided details of the driving incident being referred to in the report and requested that the Committee took into consideration mitigating circumstances when making their decision.

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. After retiring to consider its decision, the Committee came to the following decision:

**Resolved** - **That, after consideration of the matters contained within the report and the representations made at the meeting, it was determined that in this case there were exceptional circumstances so as to justify a departure from the Council's policy, and accordingly there should be no further action taken and that the driver continued to be a fit and proper person to hold a hackney carriage and private hire driver's licence.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed