
JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Tuesday, 19th December, 2023

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

245 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

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

246 Minutes of Last Meeting

The Minutes of the last meeting held on the 16th October 2023 were submitted for approval as a correct record.

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

247 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.

248 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.

249 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.

250 Report Relating to a Licensed Private Hire Driver (MA)

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 (MA) had been invited to attend the meeting and was present.

The Licensing Manager, on behalf of the Executive Director (Legal & 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 previous history as set out in paragraph 3.0 of the report and referred to recent driving incidents. 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 was given the opportunity to provide the Committee with details of the case, as set out in the report.

Members were given the opportunity to ask questions of both the Committee and the driver before being requested to consider the representations made at the meeting and the issues raised in the report. 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, having considered the issues raised at the meeting, the Committee determined that the standard of the driver was below an acceptable level with a possible immediate threat to other road users and passengers. In deciding what action to take, the Committee also took into consideration the driver's honesty and openness with the Licensing Department on this matter. The Committee suspended the licence under S61 of the Local Government Miscellaneous Provisions) Act 1976 and further under Section 61 Sub Section 2B of the Licensing Act 2003, determined that the driver be suspended with immediate effect, until the completion of a driver awareness training course, approved by the Licensing Department. The driver was requested to provide the Licensing Department with evidence of completion of the training course before the licence be resumed.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed