
JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Thursday, 18th April, 2024

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

Apologies Councillor Melissa Fisher

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

Apologies for absence were submitted on behalf of Councillor Melissa Fisher. Councillor Dave Parkins acted as substitute representative for Councillor Fisher.

There were no interests or dispensations declared at the meeting.

390 Minutes of Last Meeting - 23rd January 2024

The Minutes of the Judicial Committee (Private Hire and Hackney Carriage), held on 23rd January 2024, were submitted for approval as a correct record.

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

391 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.

Resolved - That the Guidance be noted.

392 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 of this document was included within the agenda.

Resolved - That the Procedure be noted.

393 Licensing Procedure for Meetings of the Committee

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 items.

394 Report Relating to a Licensed Private Hire & Hackney Carriage Driver (MM)

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 (MM) had been invited to attend the meeting and was in attendance. The driver was also represented by a Solicitor who appeared via video link.

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 driver was given the opportunity to provide the Committee with a response. The representative of the driver provided information which supported evidence of the driver's good character, their length of service and reliability. The representative also referred to the amount of mileage the driver did annually and their willingness to attend driver refresher courses. The driver referred to two inaccuracies within the report submitted to Committee; he submitted evidence at the meeting that showed that he had contact the Licensing Department within the required 7 days of receiving penalty points on his licence. This information, produced at the meeting was circulated. The driver also indicated that the wording at 3.7 of the report was incorrect and did not depict the driver's nature accurately. Both of these submissions were accepted by the Committee in favour of the driver.

Members were given the opportunity to ask questions of both the officers and the driver and representative, 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 vehicle licence.

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

Resolved

- (1) That, having considered the issues raised at the meeting, the Committee determined that the driver was not a fit and proper person to hold a hackney carriage and private hire joint driver's licence and suspended the driver for one month under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, commencing 21 days after the submission of the Notice of Decision. The Committee acknowledged the seriousness of the incidents but considered that there had been exceptional circumstances to depart from the Council's Policy, including demonstration of good**

character and the effort that had been made to rectify the matter. These had included taking responsibility for their own actions and a willingness to attend any training courses as required; and

- (2) That the driver should also complete the Blue Lamp Taxi Driver Proficiency Course within 3 months of being suspended.

395 Report Relating to a Licensed Private Hire & Hackney Carriage Driver (SQ)

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 (SQ) had been invited to attend the meeting and was in attendance with a relative and a representative.

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 driver was given the opportunity to provide the Committee with a response. The representative of the driver provided information which supported evidence of the driver's previous good character and referred to an inaccuracy within the report submitted to Committee which related to when the driver had informed the Licensing Department of the incident. The Committee accepted the driver's submission. A relative of the driver, present at the meeting, provided details which supported evidence that the driver had acted unintentionally from which the incident had arisen. The Committee accepted that the driver had been co-operative and had contacted the Licensing Department, in a timely manner.

Members were given the opportunity to ask questions of both the officers 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 vehicle licence.

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

- Resolved**
- **That, having considered the issues raised at the meeting, the Committee determined that the driver was a fit and proper person to continue to hold a hackney carriage and private hire joint driver's licence. However, they determined that the driver should be issued with a written warning and advised that should the driver appear before the Committee again there may be greater consequences.**

396 Report Relating to a Licensed Private Hire & Hackney Carriage Driver (AA)

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 (AA) had been invited to attend the meeting and was in attendance with a representative.

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 driver was given the opportunity to provide the Committee with a response. The representative of the driver reported that the driver had taken full responsibility for the incident and been co-operative with the Licensing Department. The driver also indicated that they would be willing to attend any driving educational courses that would be required.

Members were given the opportunity to ask questions of both the officers 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 vehicle licence.

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

Resolved

- (1) That, having considered the issues raised at the meeting, the Committee determined that the driver was not a fit and proper person to hold a hackney carriage and private hire joint driver's licence and suspended the driver for three months under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, commencing with immediate effect, as determined under Section 61(2B). The Committee had acknowledged the seriousness of the incident and Council policy but also took into consideration representations made at the meeting with regards to the previous history and good character of the driver to determine that there had been exceptional circumstances to depart from the Council's Policy; and**
- (2) That the driver should also complete the Blue Lamp Taxi Driver Proficiency Course during the 3 months of suspension.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed