

JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Wednesday, 31st July, 2024

Present: Councillor Kimberley Whitehead (in the Chair), Councillors
Danny Cassidy, Bernard Dawson MBE, Melissa Fisher and Dave Parkins

Apologies Councillor Marlene Haworth

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

Apologies for absence were submitted on behalf of Councillor Marlene Haworth. There were no substitute representatives in attendance.

There were no interests or dispensations declared at the meeting.

108 Minutes of Last Meeting - 18th April 2024

The Minutes of the Judicial Committee (Private Hire and Hackney Carriage), held on 18th April 2024, were submitted for approval as a correct record.

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

109 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.**

110 Licensing Procedures for Meetings of the Committee

The Licensing Procedures to be followed at the meeting in relation to Hackney Carriage and Private Hire driver's licences were submitted. There were two procedures relevant to the cases being heard at this meeting, as follows:

- Licensing Procedure for dealing with complaints and reviews – Case 1
- Licensing Procedure for dealing with applicants – Cases 2 and 3

A copy of each of the procedures was included within the agenda and the respective Licensing Procedure had been provided to each driver.

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

111 Exclusion of the Public

Resolved - **That, in accordance with Section 100A(4) Local Government Act 1972, the public be 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.

112 Report Relating to a Licensed Private Hire & Hackney Carriage 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 in attendance with a representative (RK).

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 the matter and what action could be taken in respect of the renewal 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, which referred to a recent road traffic incident and an earlier complaint received. 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 driver indicated that he had been driving for some 21 years without incident until the occasions referred to in the report. The driver's representative explained that the earliest incident was a result of sudden braking by a driver ahead of MA, causing him to take avoiding action. This incident was also some considerable time ago. The driver then provided an explanation of the circumstances surrounding the most recent incident, including his recollection of the facts and the reasons for his actions after the incident based on his understanding of the situation.

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 and hackney carriage joint driver's 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 notes that the driver has prior to the complaint had a longstanding clean driving record, and appreciates that he offers a sincere apology for the recent incident, however the Committee does not deem this exceptional circumstances so as to justify departing from policy, and therefore the Committee has determined that the driver is not a fit and proper person to hold a hackney carriage and private hire joint driver's licence and, accordingly, has resolved to refuse to renew the joint driver's licence.**

113 Report Relating to An Application for a Licensed Private Hire & Hackney Carriage Driver (UK)

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 (UK) had been invited to attend the meeting and was in attendance with his spouse.

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services), submitted a report informing the Committee of relevant issues relating to an application for a private hire and hackney carriage joint driver's licence. The applicant's previous history was summarised in Section 3 of the report.

The applicant provided a number of relevant points in response to the issues raised at the meeting. In particular, the applicant indicated that he had made a genuine mistake when completing the initial application form, as he had assumed that certain information did not need to be declared as this would be discovered automatically by the licensing authority.

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 then asked to determine whether the driver was a fit and proper person to be granted a private hire and hackney carriage joint driver's licence.

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

Resolved

- **That, having considered the issues raised at the meeting and having regard to the Council's Policy in relation to multiple convictions which states:**

"Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeat offending is apparent, a licence will not be granted or renewed"

the Committee believes the applicant to be an honest and responsible person and, therefore, consider there to be justified reasons to depart from policy in this regard, and accordingly, has resolved to grant the application for a private hire and hackney carriage joint driver's licence.

114 Report Relating to An Application for a Licensed Private Hire & Hackney Carriage Driver (ZH)

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 (ZH) had been invited to attend the meeting and was in attendance with his representative Councillor Mohammed Younis.

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services), submitted a report informing the Committee of relevant issues relating to an

application for a private hire and hackney carriage joint driver's licence. The applicant's previous history was summarised in Section 3 of the report.

The applicant and his representative provided a number of relevant points in response to the issues raised at the meeting. In particular, the applicant indicated that he had made a genuine mistake when he had completed an earlier application form, and that the incidents on his record had taken place some considerable time in the past and that he was now a changed person.

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 then asked to determine whether the driver was a fit and proper person to be granted a private hire and hackney carriage joint driver's licence.

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

Resolved

- **That, having considered the issues raised at the meeting and having regard to the Councils Policy in relation to multiple convictions which states:**

“Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeat offending is apparent, a licence will not be granted or renewed”

the Committee believes the applicant to be an honest and responsible person and therefore consider there to be justified reasons to depart from policy in this regard, and, accordingly, have resolved to grant the application for a private hire and hackney carriage joint driver's licence.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed