
JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Tuesday, 29th March, 2016

Present: Councillor Chris Fisher (in the Chair), Councillors Judith Bernard Dawson, Eamonn Higgins, Marlene Haworth and Joyce Plummer

Apologies Councillors Melissa Fisher and Terry Hurn

484 Apologies for Absence

Apologies for absence were submitted from Councillors Melissa Fisher and Terry Hurn.

485 Substitutions

Councillors Bernard Dawson and Judith Addison attended the meeting as substitute representatives for Councillors Melissa Fisher and Terry Hurn respectively.

486 Declarations of Interest and Dispensations

Councillor Chris Fisher declared a conflict of interest in the item relating to "Report Relating to a Licensed Private Hire Driver (QZ)" and vacated the Chair and left the meeting prior to the determination of the item and took no part in the discussion or vote on that item. His interest arose due to him being the complainant.

There were no declarations of dispensations.

487 Minutes of Meeting - 1st February 2016

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 1st February 2016 were submitted for approval as a correct record.

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

488 Licensing Procedures for Meetings of the Committee

The General Licensing Procedure and the Complaints Licensing Procedure to be followed at the meeting in relation to hackney carriage and private hire driver licences were submitted. Copies of the relevant procedure had been sent to the licensed drivers and the complainant.

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

489 Licensing Guidelines

The Licensing Guidelines (Appendix G of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013 - 2016) were submitted. A copy of the Guidelines had been sent to the licensed drivers and the complainant.

Resolved - That the Guidelines be noted.

490 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.

491 Report Relating to a Licensed Joint Driver (WH)

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services) submitted a report informing the Committee of relevant issues relating to a licensed joint vehicle driver (WH).

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of a caution was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (WH) and his representative had been invited to attend the meeting and in that respect, the driver and his representative (MD) were in attendance.

The Committee was requested to consider whether the applicant was still a 'fit and proper person' to continue to be licensed as a joint vehicle driver.

Decision of the Committee:-

Resolved - That, as the driver (WH) was considered to still be a 'fit and proper person', he be allowed to continue to hold his joint vehicle driver's licence, subject to the issue of a written warning and Council's standard conditions, for the reasons outlined at the meeting and set out in the decision notice.

(At this point in the proceedings and having previously declared a conflict of interest in the following item, Councillor Chris Fisher vacated the Chair and left the meeting. Councillor Eamonn Higgins took the Chair).

492 Report Relating to a Licensed Private Hire Driver (QZ)

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services) submitted a report informing the Committee of relevant issues relating to a licensed private hire vehicle driver (QZ). A complaint had been lodged by a councillor against the driver and was set out in the report. The following documents were appended to the report:-

- Appendix 1 - Copy of a caution issued to the driver
- Appendix 2 - Copy of a caution issued to the driver
- Appendix 3 - Copy of a caution issued to the driver and details of vehicle faults
- Appendix 4 - Copy of the complaint and vehicle licence conditions relating to the driver
- Appendix 5 - Copy of interview and files notes

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of the complaint, a previous complaint and cautions for previous breaches of licensing conditions was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (QZ) and his representative had been invited to attend the meeting and in that respect, the driver and his representative (MD) were in attendance. The complainant (CF) and his representative had also been invited to the meeting and in that respect, the complainant was in attendance.

The Committee was requested to:-

- (a) Determine whether the facts related in the complaint were substantially true;
- (b) Having made a finding of the facts, decide whether those facts revealed if the driver had acted either unlawfully or in breach of any legislations, regulation or licence condition governing the conduct of licensed private hire vehicle drivers; and,
- (c) Determine what action, if any, should be taken against the driver.

Resolved

- (1) That the complaint lodged against the Private Hire Driver (QZ) be upheld. The Committee found that on the balance of probabilities the evidence favoured the complainant's version of events;**
- (2) On the basis of the evidence presented, the Committee reached the conclusion that the driver (QZ) had been plying for hire with an unlicensed vehicle, thus making his conduct inappropriate and not that expected of a licensed private hire vehicle driver; and**
- (3) That the driver's (QZ) private hire licence be suspended for a period of three months pursuant to Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and for the reasons outlined at the meeting and set out in the decision notice.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed