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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

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**Monday, 4th April, 2016**

**Present:** Councillor Chris Fisher (in the Chair), Councillors Melissa Fisher, Marlene Haworth, Eamonn Higgins, Terry Hurn and Joyce Plummer

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**493 Apologies for Absence**

There were no apologies for absence.

**494 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**495 Minutes of Meeting**

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 2<sup>nd</sup> March 2016 were submitted for approval as a correct record.

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

**496 Licensing Procedure - Complaints**

The Licensing Procedure to be followed at the meeting in relation to complaints lodged against licensed hackney carriage and private hire vehicle drivers was submitted. A copy of the Procedure had been sent to the licensed drivers and the complainant.

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

**497 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 complainant.

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

**498 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 Paragraph at Schedule 12A of the Act specified at the items.

**499 Report Relating to a Licensed Private Hire Driver (HA)**

*(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 Chair informed the Committee that due to illness, the complainant had requested that this item be deferred to the next meeting of the Committee.

**Resolved**

- That this item be deferred and submitted to the next meeting of the Committee for determination.

**500 Report Relating to a Licensed Private Hire Driver (AA)**

*(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 (AA). A complaint had been lodged by a member of the public against the driver and was set out in the report. A copy of the notes of the interview conducted with the driver were appended to the report. A video recording received from the member of the public in relation to the complaint was viewed by those present at the meeting. A character reference from the driver's employees (Max Cabs Ltd) was submitted at the meeting.

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 was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (AA) and his representative had been invited to attend the meeting and in that respect, the driver and his representative (MD) were in attendance. Due to the irrefutable evidence contained in the video recording, the attendance of the complainant had been viewed as unnecessary.

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.

**Decision of the Committee:-**

**Resolved**

- (1) That the complaint lodged against the private hire vehicle driver (AA) be upheld. The Committee found that on the balance of probabilities the evidence provided found in favour of the complaint; and,**
- (2) That, as the conduct of the driver (AA) had been inappropriate and not that expected of a licensed private hire vehicle driver, his licence be suspended for a period of 28 days 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