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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

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**Monday, 18th April, 2016**

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

**Apologies** Councillors Eamonn Higgins and Marlene Haworth

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## **504 Apologies for Absence**

Apologies for absence were submitted from Councillors Marlene Haworth and Eamonn Higgins.

## **505 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

## **506 Minutes of Meetings**

The Minutes of the meetings of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 29<sup>th</sup> March and 4<sup>th</sup> April 2016 were submitted for approval as correct records

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

## **507 Licensing Procedure - Complaints**

The Licensing Procedure to be followed at the meeting in relation to complaints lodged against licensed Hackney Carriage and Private Hire Drivers was submitted. A copy of the Procedure had been sent to the drivers and the complainants.

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

## **508 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 drivers and the complainants.

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

**509 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.

**510 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 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 (HA). 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 complainant's Witness Statement to the Police was attached as Appendix A to the report.

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 and the issue and payment of a S5 fixed penalty notice was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (HA) and his representative had been invited to attend the meeting and in that respect, the driver and his representative were in attendance. The complainant (CJ) and her representative had also been invited to the meeting and in that respect, the complainant and her witness / mother (LJ) were in attendance.

At the request of the Chair, the Licensing Manager circulated a copy of the S5 fixed penalty notice.

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 Driver (HA) be upheld. On the evidence provided, the Committee found in favour of the complaint as it believed that the version of the events related by the Complainant was on the balance of probability more accurate; and,

- (2) That, as the driver (HA) was not considered to be a 'fit and proper person', in that his conduct had been inappropriate and not that expected of a licensed private hire vehicle driver, his private hire driver's licence be revoked pursuant to Sections 61(1)(a)(ii) and 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety; the revocation to be with immediate effect pursuant to Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by the Road Safety Act 2006 and for the reasons outlined at the meeting and set out in the decision notice.

#### 511 Report Relating to a Licensed Private Hire Driver (MA)

*(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 (MA). A complaint had been lodged by Manchester City Council regarding the driver's behaviour towards one of its licensing officers. The following information was appended to the report:-

Appendix 1 - Witness Statement submitted by Manchester City Council Licensing Officer  
Appendix 2 - Offence Notification Letter submitted by the Driver

Attention was also 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.

In accordance with licensing procedure, the driver (MA) and his representative had been invited to attend the meeting and in that respect, the driver and his representative / Solicitor were in attendance. The Licensing Officer from Manchester City Council (MB) attended the meeting as witness for his local authority and to support his witness statement (Appendix 1).

At the request of the Chair, the Licensing Manager circulated a copy of the notes of an interview conducted by the Council with the driver on 4<sup>th</sup> March 2016.

Legal advice on the relevance of the complaint, a previous complaint and breaches of licensing conditions was sought by and provided to the Committee at the meeting. The Committee was requested to consider whether the applicant was still a 'fit and proper person' to continue to be licensed as a private hire vehicle driver.

#### **Decision of the Committee:-**

**Resolved**

- (1) That the complaint lodged against the Private Hire Driver (MA) be upheld. On the evidence provided, the Committee found in favour of the complaint as it believed that the version of the events related by the Complainant's representative / witness was on the balance of probability more accurate; and,

**(2) That, as the driver (MA) was not considered to be a 'fit and proper person', in that his conduct had been inappropriate and not that expected of a licensed private hire vehicle driver, his private hire driver's licence be revoked pursuant to Sections 61(1)(a)(ii) and 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety 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