
JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Monday, 27th June, 2016

Present: Councillor Melissa Fisher (in the Chair), Councillors Stephen Button, Clare Cleary, Stewart Eaves, Julie Livesey and Paddy Short

Apologies Councillors Eamonn Higgins and Joyce Plummer

43 Apologies for Absence

Apologies for absence were submitted from Councillors Eamonn Higgins and Joyce Plummer.

44 Substitutions

Councillors Stephen Button and Clare Cleary attended the meeting as substitute representatives for Councillors Eamonn Higgins and Stephen Button respectively.

45 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

46 Minutes of Last Meeting

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 18th April 2016 were submitted for approval as a correct record.

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

47 Court Report - Aiser Iqbal Fazal

A report advising the Committee on the outcome of court proceedings relating to appeals to the Magistrates Court and Burnley Crown Court by Mr. Aiser Iqbal Fazal following the revocation of his private hire vehicle driver's licence was submitted. Both appeals were dismissed and Mr. Fazal was ordered to pay the Council in respect of its legal costs.

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

48 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 driver and the complainant.

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

49 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 driver and the complainant.

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

50 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 item, 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 item.**

51 Report Relating to a Licensed Private Hire Driver (ZI)

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 (ZI). A complaint had been lodged by a member of the public against the driver and was set out in the report. The following documents were appended to the report:-

- Appendix 1 - Copy of a file note, failure to notify the Council of a driving offence.
- Appendix 2 - Warning letter for receiving a caution for common assault and failure to notify the Council of said offence.
- Appendix 3 - Copy of a file note, failure to display driver badge.
- Appendix 4 - Copy of a written warning, failure to display driver badge.
- Appendix 5 - Copy of a driving licence, showing conviction.
- Appendix 6 - Copy of a file note, failure to notify the Council of a driving offence.
- Appendix 7 - Copy of a file note, failure to notify the Council of a driving offence.
- Appendix 8 - Copy of a file note, verbal warning for manner of driving.
- Appendix 9 - Copy of a driving licence showing conviction.
- Appendix 10 - Copy of a warning letter.
- Appendix 11 - Copy of a Police email.
- Appendix 12 - Copy of a driving licence showing conviction.
- Appendix 13 - Copy of a final warning letter issued to the driver.
- Appendix 14 - Copy of a complaint made against the driver.

The following additional documents were circulated to the Committee at the request of the driver:-

- Reference letter in support of the driver from the taxi vehicle passenger at the time of the complaint incident.
- Hand drawn sketch by the driver identifying the traffic flow and vehicle manoeuvres at the time of the complaint incident.

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, driving offences, cautions, a previous complaint and warnings was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (ZI) and his representative had been invited to attend the meeting and in that respect, the driver was in attendance. The complainant (TD) and her representative had also been invited to the meeting and in that respect, the complainant and her representative were not 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.

Decision of the Committee:-

Resolved

- (1) That the complaint lodged against the private hire vehicle driver (ZI) 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 (ZI) had been inappropriate and not that expected of a licensed private hire vehicle driver, his licence be suspended for a period of seven 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