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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

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**Tuesday, 19th September, 2017**

**Present:** Councillor Joyce Plummer (in the Chair), Councillors Stewart Eaves, Melissa Fisher, Julie Livesey and Paddy Short

**Apologies** Councillor Eamonn Higgins

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**148 Apology for Absence**

An apology for absence was submitted from Councillor Eamonn Higgins.

**149 Declaration of Interest and Dispensations**

There were no declarations of interest or dispensations.

**150 Minutes of Last Meeting**

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 28<sup>th</sup> June 2017 were submitted for approval as a correct record.

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

**151 Licensing Procedure**

The Licensing Procedure to be used in relation to hackney carriage and private hire vehicle driver licences was submitted. A copy of the Procedure had been sent to the applicants/driver.

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

**152 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 applicants/driver.

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

**153 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.**

**154 Application for a Private Hire Vehicle Driver's Licence (MM)**

*(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 outlining an application for a private hire vehicle driver licence. The following documents were appended to the report:-

- Appendix 1 - Copy of Decision Notice from 18<sup>th</sup> September 2014 Judicial Committee meeting.
- Appendix 2 - Copy of Judicial Committee Report dated 22<sup>nd</sup> August 2016 and Letter and Decision Notice dated 27<sup>th</sup> September 2016

The applicant had previously been licensed with Hyndburn Borough Council from 2011 to 2014 when his licence had been revoked by the Judicial Committee.

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

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

The Committee was requested to consider whether the applicant was a fit and proper person to be licensed.

**Decision of the Committee:-**

- Resolved**
- **That, as the applicant (MM) was not considered to be a 'fit and proper person', his application for a Private Hire Vehicle Driver Licence be refused for the reasons outlined at the meeting and set out in the decision notice.**

**155 Application for a Private Hire Vehicle Driver's Licence (MP)**

*(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 outlining an application for a private hire vehicle driver licence. Copies of two Judicial Committee Decision Notices arising from previous applications were appended to the report.

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney and Private Hire Licensing Policy 2013-2016.

Legal advice on the relevance of convictions was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the applicant (MP) and his representative had been invited to attend the meeting and in that respect, the applicant was in attendance.

The Committee was requested to consider whether the applicant was a fit and proper person to be licensed.

**Decision of the Committee:-**

**Resolved** - That, as the applicant (MP) was considered to be a 'fit and proper person', his application for a Private Hire Vehicle Driver Licence be granted for the reasons outlined at the meeting and set out in the decision notice.

**156 Consideration of an Existing Private Hire Driver's Licence (MIA)**

*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 information relating to a licensed private hire vehicle driver (MIA). The following documents were appended to the report:-

- Appendix 1 Copy of a Signed New Drivers Agreement
- Appendix 2 Copy of Letter dated 31<sup>st</sup> July 2017
- Appendix 3 Copy of Letter dated 24<sup>th</sup> August 2017
- Appendix 4 Supplementary Information

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 conviction and failure to disclose that conviction was sought by and provided to the Committee at the meeting.

The Committee was requested to determine whether the driver was still a 'fit and proper person' to continue acting as a licensed private hire vehicle driver.

**Decision of the Committee:-**

**Resolved** - That as the Driver (MIA) was not considered to be a 'fit and proper person', in that he had failed to disclose relevant information in order to obtain a private hire vehicle driver's licence, his private hire driver's licence be revoked pursuant to Section 61(1)(b) of the Local Government Act 1976 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