

---

# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

---

**Monday, 16th October, 2017**

**Present:** Councillor Joyce Plummer (in the Chair), Councillors Stewart Eaves, Melissa Fisher, Glen Harrison, Terry Hurn and Paddy Short

**Apologies** Councillors Eamonn Higgins and Julie Livesey

---

**193 Apologies for Absence**

Apologies for absence were submitted from Councillors Eamonn Higgins and Julie Livesey.

**194 Substitutions**

Councillors Glen Harrison and Terry Hurn attended the meeting as substitute representatives for Councillor Eamonn Higgins and Julie Livesey respectively.

**195 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**196 Minutes of Last Meeting**

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 19<sup>th</sup> September 2017 were submitted for approval as a correct record.

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

**197 Court Report - Khadam Hussain**

A report advising the Committee of the outcome of court proceedings relating to an appeal to the Magistrates Court by Mr. Khadam Hussain following the revocation of his Private Hire Driver's Licence was submitted. The appeal was dismissed.

The Committee was informed that Mr. Hussain had now appealed to the Crown Court but a court date had not yet been fixed.

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

**198 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.

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

## 199 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.

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

## 200 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.

## 201 Application for a Private Hire Vehicle Driver Licence (MAKJ)

*(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 applicant had previously been licensed with Burnley Borough Council who had revoked that licence due to the applicant having been convicted of plying for hire.

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 and the applicant's apparent deliberate attempt to withhold information relevant to the application was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the applicant (MAKJ) 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 (MAKJ) 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.

**202 Application for a Private Hire Drivers Licence (WA)**

*(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 Complaint 1 dated 11/01/2012
- Appendix 2 - Copy of Complaint 2 dated 11/02/2012 and Copy of Signed Police Pocket Notebook Entry
- Appendix 3 - Copy of Complaint received 16/04//2012
- Appendix 4 - Report considered and Decision Notice from August 2012
- Appendix 5 - Refusal Letters under Delegated Authority from July 2015 and November 2016

The applicant had previously been licensed with Hyndburn Borough Council from 2011 to 2012 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 complaints and convictions was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the applicant (WA) and his representative had been invited to attend the meeting and in that respect, the applicant and his wife (SB) 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 (WA) 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.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed