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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

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**Tuesday, 30th October, 2018**

**Present:** Councillor Melissa Fisher (in the Chair), Councillors Joyce Plummer (Vice Chair), Stewart Eaves, Lisa Allen and Sara Britcliffe

**Apologies** Eamonn Higgins and Terry Hurn

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**183 Apologies for absence, Substitutions, Declarations of Interest and Dispensations**

An apology for absence was submitted on behalf of Councillors Eamonn Higgins and Terry Hurn.

Councillor Sara Britcliffe acted as substitute representative for Councillor Hurn.

There were no declarations of interest.

**184 Minutes of Last Meeting**

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 1<sup>st</sup> October 2018 were submitted for approval as correct record.

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

**185 Licensing Procedure for Meetings of the Committee**

The General Licensing Procedure and the Complaints Licensing Procedure to be followed at the meeting in relation to hackney carriage and private hire driver licences were submitted. Copies of the procedures had been sent to those attending the meeting.

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

**186 Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire Trades**

The Institute of Licensing Policy for Hackney Carriage and Private Hire trades was submitted to assist HBC when determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades. This replaced the previous convictions policy and was approved by Cabinet on the 10<sup>th</sup> October 2018.

A copy of the new Guidance had been sent to those attending the meeting.

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

**187 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.**

**188 Consideration of an existing Private Hire Driver's Licence (NP)**

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 1 – Information relating to any individual)

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services), submitted a report informing the Committee of relevant issue relating to a licensed private hire driver (NP). A complaint had been lodged against the driver and this was set out in the report.

The following documents were appended to the report: Statement of witnesses and record of interviews

In accordance with licensing procedure, the driver (NP) and a representative had been invited to attend the meeting. The driver was in attendance alone.

Attention was drawn to the policy and guidelines on the relevance of convictions. Legal advice on the relevance of the incident set out in the report and the driver's history of complaints/issues was sought by and provided to the Committee at the meeting.

The Committee was requested to:

- (a) Determined whether the facts referred to in the complaint were substantially true;
- (b) Having made a finding of the facts, decide whether those facts revealed if the driver had acted in any way which would bring into doubt his suitability to hold a driver's licence with the Authority; and
- (c) Determine what action, if any, should be taken against the driver.

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.

**Resolved - That, having taken into consideration the representations made by and on behalf of the Complainant and the driver the Committee came to the conclusion that the complainants version of the event that gave rise to the complaint was preferable to the drivers version which was found to be inconsistent , contradictory and implausible After taking into account the drivers previous record the Committee considered that the driver was not a fit and proper person to hold a licence and that the private hire drivers licence be revoked 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, subject to the driver's right of appeal.**

## **189 Consideration of an existing Private Hire Driver's Licence (UH)**

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 1 – Information relating to any individual)

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 driver (UH). A number of issues had been lodged against the driver and these were set out in the report.

In accordance with licensing procedure, the driver (UH) and a representative had been invited to attend the meeting. The driver was in attendance alone.

Attention was drawn to the policy and guidelines on the relevance of convictions. Legal advice on the relevance of the incident set out in the report and the driver's history of traffic offences was sought by and provided to the Committee at the meeting.

The Committee was requested to:

- (a) Determined whether the facts referred to in the complaint were substantially true;
- (b) Having made a finding of the facts, decide whether those facts revealed if the driver had acted in any way which would bring into doubt his suitability to hold a driver's licence with the Authority; and
- (c) Determine what action, if any, should be taken against the driver.

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.

**Resolved - That, having taken into consideration the driver's past history of motoring convictions and failure to disclose additional penalty points on his licence at the time of application in order to obtain a private hire vehicle driver's licence, the Committee considered that 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 he is required to do a driver assessment, for the reasons outlined at the meeting and set out in the decision notice, subject to the driver's right of appeal.**

## **190 Consideration of an application for the grant of a Private Hire Driver's Licence (MK)**

*(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.

Attention was drawn to the policy and guidelines on the relevance of convictions. Legal advice on the relevance of the incidents set out in the report and the applicant's history of convictions was sought by and provided to the Committee at the meeting.

The following documents were appended to the report: Application form for a private hire licence, previous application for a private hire driver's licence and record of interview.

In accordance with licensing procedure, the applicant (MK) and a representative had been invited to attend the meeting. The applicant was in attendance alone.

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

**Resolved        -        That, as the applicant (MK) was considered to be a ‘fit and proper person’, subject to him being able to pass a drugs test, his application for a Private Hire Vehicle Driver Licence be granted subject to the results of the drugs test and other Council requirements 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