

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 3 APRIL 2024

Present: Councillor Woodward (Chair), Asare and Keane.

45. MINUTES

The Minutes of the meetings held on 1 February 2024, 15 February 2024, 29 February 2024 and 5 March 2024 were confirmed as a correct record and signed by the chair.

46. EXCLUSION OF THE PRESS AND PUBLIC

Resolved –

That, pursuant to Section 100A of the Local Government Act 1972 (as amended), members of the press and public be excluded during consideration of the following item of business as it was likely that there would be disclosures of exempt information as defined in paragraphs 1, 2, 3 and 5 specified in Part 1 of Schedule 12A (as amended) to that Act.

47. APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE AND APPLICATIONS TO CONSIDER THE SUSPENSION/REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS' LICENCES

The Sub-Committee considered a report that set out the following:

- An application to consider the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence – Applicant CTMN (Appendix 1);
- An application to consider the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence – Applicant WAK (Appendix 2);
- An application for the grant of a three-year Private Hire Vehicle Driver's Licence – Applicant JA (Appendix 3); and
- An application to consider the suspension/revocation of a Private Hire Vehicle Driver's Licence – Applicant MKS (Appendix 4).

Summaries detailing the circumstances relating to each of the above listed applications were attached to the report at Appendices 1 to 4.

CTMN was present at the meeting with his representative Adonis Daniel, Andrew Storch Solicitors. They both addressed the Sub-Committee and responded to questions.

WAK was not present at the meeting. WAK had contacted Licensing Officers prior to the meeting and had requested a deferral to allow him to attend the meeting. Licensing Officers confirmed that they had been provided with adequate proof that WAK would not be in the country at the time of the hearing.

JA was present at the meeting. JA addressed the Sub-Committee and responded to questions.

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 3 APRIL 2024

MKS was present at the meeting with his representative Manzoor Hussain, Reading Private Hire Association. They both addressed the Sub-Committee and responded to questions.

Mark Groves, RBC Licensing Team, presented the report to the Sub-Committee and asked and responded to questions. Anthony Chawama, RBC Licensing Team also attended the meeting and addressed the Sub-Committee in relation to the case at Appendix 1.

A witness was present for the case at Appendix 1. The witness addressed the Sub-Committee and answered questions in relation to the incident that took place on 19 October 2023, the details of which were included in Appendix 1.

In reaching its decisions the Sub-Committee endeavoured to strike a fair balance between the interests of the applicants and the concerns of officers, and gave due consideration to the written material contained in the paperwork, the oral evidence provided at the meeting by Licensing Officer(s), the witness and by the Applicants, their representatives, and to relevant legislation, guidance and the policies of Reading Borough Council, and in particular:

- The Town Police Clauses Act 1847;
- The Local Government (Miscellaneous Provisions Act) Act 1976;
- The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022;
- The Equality Act 2010;
- The Secretary of State's Guidance;
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle conditions and penalty points enforcement systems;
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle Convictions Policy;
- All of the documents provided for the meeting; and
- The Fit and Proper Person Test.

Resolved –

- (1) That CTMN be required to undertake a remedial driving course in accordance with the requirements set out below:
 - (a) the remedial driving course must be started within the next 28 days and must be completed within 3 months.
 - (b) the course must include as a minimum the requirements set out under paragraphs 5.9 and 5.10 of Appendix 1 to the report.
- (2) That, in relation to (1) above, the Assistant Director of Planning, Transport & Public Protection be authorised to suspend CTMN's Hackney Carriage Vehicle Driver's Licence in the event that he fails to complete a suitable remedial driving course within the required time frame and then until such a time as a suitable course has been completed.

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 3 APRIL 2024

- (3) That the application for the consideration of the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence in respect of WAK be deferred to the next meeting of the Licensing Applications Sub-Committee to allow WAK the opportunity to attend the hearing.
- (4) That the application by JA for the grant of a three-year Private Hire Vehicle Driver's Licence be refused due to JA not being considered a fit and proper person by reason of:
 - (a) the nature of the offences, as detailed in the report;
 - (b) insufficient time having elapsed since the convictions for some of the offences and the restoration of JA's driving licence; and
 - (c) the failure by JA to disclose required information to Reading Borough Council for the second time in less than a year, especially given the warning that he had been given at the previous Sub-Committee hearing on 6 June 2023 about failing to disclose the required information;
- (5) That, in addition to (4) above, the Sub-Committee noted that it was JA's responsibility to ensure that his application form had been completed accurately.

JA was advised of his right of appeal against the Sub-Committee's decision.

- (6) That the Private Hire Vehicle Driver's Licence in respect of MKS be suspended for 7 days with effect from 21 days following formal notification of the decision under section 61 of the Local Government (Miscellaneous Provisions) Act 1976, due to:
 - (a) the nature of the incidents detailed in the report; and
 - (b) to allow MKS time to refresh his knowledge of the conditions of his licence and his obligations as a Private Hire Vehicle Driver, which the Sub-Committee deemed would be more beneficial than him undertaking a remedial driving course on this occasion.
- (7) That, in addition to (6) above, the Sub-Committee noted MKS's recent DVLA licence endorsements along with the penalty points that had also been issued against MKS's Private Hire Vehicle Driver's Licence under the Council's Penalty Points Enforcement Scheme and urged him to be conscious of the implications that any further breaches might have in relation to his Private Hire Vehicle Driver's licence.

MKS was advised of his right of appeal against the Sub-Committee's decision.

(The meeting started at 5.30 pm and closed at 8.16 pm)