

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 25 JULY 2024

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

9. MINUTES

The Minutes of the meeting held on 27 June 2024 were confirmed as a correct record and signed by the Chair.

10. EXCLUSION OF 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.

11. APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE, AN APPLICATION TO CONSIDER THE SUSPENSION/REVOCATION OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS TO PRIVATE HIRE VEHICLE DRIVERS' LICENCES

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

- An application for the grant of a Private Hire Vehicle Driver's Licence – Applicant SS (Appendix 1);
- An application to consider the suspension/revocation of a Private Hire Vehicle Driver's Licence – Licence Holder MA (Appendix 2);
- An appeal against the allocation of penalty points to a Private Hire Vehicle Driver's Licence – Licence Holder IAK (Appendix 3); and
- An appeal against the allocation of penalty points to a Private Hire Vehicle Driver's Licence – Licence Holder TM (Appendix 4).

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

SS attended the meeting, addressed the Sub-Committee and responded to questions.

MA was not present at the meeting. MA had contacted Licensing Officers prior to the meeting and had requested a deferral to allow him to attend the Sub-Committee.

IAK was present at the meeting, accompanied by Kamran Saddiq, Reading Private Hire Association. They both addressed the Sub-Committee and responded to questions.

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

Nicola Butler, RBC Licensing Team, presented the report to the Sub-Committee and asked and responded to questions. Ben Williams RBC Licensing Team also attended the meeting, addressed the Sub-Committee and responded to questions. Mike Harding attended the meeting for the consideration of the cases attached at appendices 3 and 4, addressed the Sub-Committee and responded to questions.

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 Officers, the applicants/appellants, 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 including the additional information provided after the publication of the agenda; and
- The Fit and Proper Person Test.

Resolved –

- (1) That the application by SS for the grant of a three-year Private Hire Vehicle Driver's Licence be refused due to SS not being considered a fit and proper person by reason of:
 - (a) the nature of the offence, as detailed in the report;
 - (b) insufficient time having elapsed since the conviction for the offence, as detailed in the report; and
 - (c) Section 57 of Reading Borough Council's Hackney Carriage and Private Hire Vehicle Convictions Policy, which states:

Using a hand-held device whilst driving

"Where the offence is dealt with as a driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least FOUR YEARS have passed. This is the length of time

these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked."

SS was advised of his right of appeal.

- (2) That the application to consider the suspension/revocation of MA's Private Hire Vehicle Driver's Licence be deferred to the meeting of the Licensing Applications Sub-Committee on 13 August 2024 to allow MA the opportunity to attend the hearing;
- (3) That the appeal against the allocation of 18 penalty points to the Private Hire Vehicle (PHV) Driver's Licence in respect of IAK be partially upheld for the reasons set out below:
 - (a) That a total of 6 penalty points be applied to IAK's Licence for the following breaches of PHV Driver's Licence Conditions:

Condition 2.1 - You must wear, at all times when driving a private hire vehicle, one of your current private hire driver's badges issued to you. (Failure to do so – 3 penalty points.)

Condition 36.1 - You must display on your vehicle, at all times when you are working as a private hire driver, a roof sign in accordance with the Council's approved specification as detailed below, unless your vehicle is fitted with side identification panels in accordance with the Council's approved specification. (Failure to do so – 3 penalty points.)
 - (b) That the penalty points for the alleged breach of condition 9.1 be disapp lied on the grounds that the imposition of 6 penalty points was considered to be too severe in the circumstances of the case;
 - (c) That the penalty points for the alleged breach of condition 7.1 be disapp lied on the grounds that a new policy permitted private hire vehicles to drop-off passengers at the location if there was no alternative place to stop and given these new circumstances, the Sub-Committee felt that it would not be appropriate to impose the 6 penalty points for the offence;
- (4) That the appeal against the allocation of 18 penalty points to the Private Hire Vehicle Driver's Licence in respect of TM be partially upheld for the reasons set out below:
 - (a) That a total of 12 penalty points be applied to TM's Licence for the following breaches of PHV Driver's Licence Conditions:

Condition 9.1 - You must not wilfully obstruct an authorised officer of the Council or a police constable acting under the Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause, fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act. (To do so – 6 penalty points.)

Condition 29.2 - At any time when driving a private hire vehicle you must not cause or permit the vehicle to be driven on or become stationary on a footway. (To do so - 3 penalty points.)

Condition 37.1 - You must display the private hire vehicle licence identification disc issued by the Council within the nearside of the front windscreen at all times. (Failure to do so 3 penalty points.)

- (b) That the 6 penalty points for the alleged breaches of conditions 29.1 and 30.3 be disallowed on the grounds that the overall imposition of 9 penalty points for breaching conditions 29.1 and 30.3 as well as condition 29.2 (listed under 4(a) above) was too severe as the breaches essentially related to the same single offence and so should only attract one set of 3 penalty points.

(The meeting started at 9.30 am and closed at 1.57 pm)