

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 17 OCTOBER 2024

Present: Councillors Woodward (Chair), Edwards and Tarar.

21. MINUTES

The Minutes of the meetings held on 12 and 26 September 2024 were confirmed as correct records and signed by the Chair.

22. 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.

23. AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR'S LICENCE AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS TO PRIVATE HIRE AND SCHOOL TRANSPORT VEHICLE DRIVER'S LICENCES

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

- An application for the grant of a Private Hire Vehicle Operator's Licence – Applicant AS (Appendix 1);
- An appeal against penalty points allocated to a Private Hire (School Transport) Vehicle Driver's Licence – Licence Holder CH (Appendix 2);
- An appeal against penalty points allocated to a Private Hire Vehicle Driver's Licence – Licence Holder LAA (Appendix 3); This appeal was withdrawn by the appellant after the publication of the agenda and so was not considered by the Sub-Committee.
- An appeal against penalty points allocated to a Private Hire Vehicle Driver's Licence – Licence Holder IA (Appendix 4);

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

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

CH attended the meeting with her legal representative, Adonis Daniel, Andrew Storch Solicitors. They both addressed the Sub-Committee and responded to questions.

IA attended 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 and Mike Harding, RBC Licensing Team also attended the meeting, addressed the Sub-Committee and responded to questions.

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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, in particular Section 61 relating to the suspension and revocation of drivers' licences;
- 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 Convictions Policy;
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle conditions and penalty points enforcement systems;
- All of the documents provided for the meeting and;
- The Fit and Proper Person Test.

Resolved –

- (1) That the application by AS for the grant of a Private Hire Vehicle Operator's Licence be granted subject to the agreed conditions.
- (2) That the appeal by CH against the allocation of penalty points on a Private Hire (School Transport) Vehicle Driver's Licence be partially dismissed due to the Sub-Committee's finding that CH had breached the following Private Hire Driver Condition, as detailed in the report:

Condition 11.1 – When licensed as a driver of private hire vehicles by the Council you must only use a private hire vehicle licensed by Reading Borough Council, unless you are appropriately licensed to use a vehicle licensed by another authority (6 penalty points)

However, the Sub Committee accepted that CH had made an honest mistake about the condition of the vehicle, relying upon their employer to have provided a suitable replacement vehicle and therefore the appeal against the issuance of points for the breach of Condition 17.2 (You must, before commencing work each day, ensure that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended.) was upheld and the allocation of three penalty points was dismissed.

The addition of a total of six penalty points to CH's Private Hire (School Transport) Vehicle Driver's Licence should stand.

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- (3) That the appeal by IA against the allocation of penalty points on a Private Hire Vehicle Driver's Licence be partially dismissed due to the Sub-Committee's finding that IA had breached the following Private Hire Driver Condition, as detailed in the report:

Condition 7.1 – You must not cause or permit a vehicle to wait on a hackney carriage stand without reasonable excuse (6 penalty points)

However, the Sub Committee accepted the reason why IA had removed their Private Hire Vehicle Driver's badge and therefore the appeal against the issuance of points for the breach of 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) was upheld and the allocation of three penalty points was dismissed.

The addition of a total of six penalty points to IA's Private Hire Vehicle Driver's Licence should stand.

(The meeting started at 9.32 am and closed at 11.02 am)