

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 13 AUGUST 2024

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

13. 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.

14. AN APPLICATION FOR THE GRANT OF PRIVATE HIRE DRIVER'S LICENCE, APPLICATIONS TO CONSIDER THE SUSPENSION OR REVOCATION OF PRIVATE HIRE VEHICLE DRIVERS' LICENCES, A PRIVATE HIRE (SCHOOL TRANSPORT) VEHICLE DRIVER'S LICENCE AND A HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCE, AND AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR'S LICENCE

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 AR (Appendix 1);
- An application to consider the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence – Licence Holder AK (Appendix 2);
- An application to consider the suspension/revocation of a Private Hire (School Transport) Vehicle Driver's Licence – Licence Holder RB (Appendix 3);
- An application to consider the suspension/revocation of a Private Hire Vehicle Driver's Licence – Licence Holder RB (Appendix 4);
- An application to consider the suspension/revocation of a Private Hire Vehicle Driver's Licence – Licence Holder MA (Appendix 5);
- An application for the grant of a Private Hire Operator's Licence – Applicant MA (Appendix 6);

Summaries detailing the circumstances relating to each of the above listed applications were attached to the report at Appendices 1 to 6.

AR was present at the meeting, accompanied by his brother. They both addressed the Sub-Committee.

AK attended the meeting accompanied by his wife and by his legal representative Adonis Daniel of Andrew Storch Solicitors. They all addressed the Sub-Committee and responded to questions.

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

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

Anthony Chawama, RBC Licensing Team, presented the report to the Sub-Committee and asked and responded to questions. Ben Williams and Clyde Masson, RBC Licensing Team also attended the meeting, 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, 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 AR for the grant of a Private Hire Vehicle Driver's Licence be deferred to the meeting provisionally scheduled on 26 September 2024 to allow the Sub-Committee to obtain further legal advice in relation to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.
- (2) That the Hackney Carriage Vehicle Driver's Licence in respect of AK be revoked, with effect from the end of 21 days' notice being given to the driver, due to AK not being considered a fit and proper person to hold such a licence due to:
 - (a) the nature of the offence, as detailed in the report;
 - (b) Sections 56 and 57 of the Council's Hackney Carriage and Private Hire Vehicle Convictions Policy which state:

“Using a hand-held device whilst driving

*56. Where an applicant has a conviction for using a hand-held mobile telephone or a handheld device whilst driving, a licence will not be granted until at least **FIVE YEARS** have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.*

*57. 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 on the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a hand-held mobile telephone or a hand-held device, will have their licence revoked.”*

- (c) the Sub-Committee found that the offence of using a mobile phone whilst driving involves distraction and therefore entails risk, the Sub-Committee did not consider the representations made by AK and his legal representative to be exceptional or sufficient to outweigh the clear terms of the Council’s Hackney Carriage and Private Hire Vehicle Convictions Policy;

AK was advised of his right of appeal.

- (3) That the Private Hire (School Transport) Vehicle Driver's Licence in respect of RB be revoked with effect from the end of 21 days’ notice being given to the driver due to RB not being a fit and proper person to hold such a licence and by reason of:
 - (a) The serious nature of the offences, as detailed in the report;
 - (b) breaches of licence conditions, traffic regulations and legislation, as detailed in the report;
 - (c) RB having been convicted of an offence under the Town Police and Clauses Act 1847, which under Section 61 of the Local Government Miscellaneous Provisions Act 1976 was a ground for revocation;
 - (d) Section 58 of the Council’s Hackney Carriage and Private Hire Vehicle Convictions Policy which states that a licence holder convicted of any offences under any relevant hackney carriage or private hire legislation will have their licence revoked;
 - (e) Section 54 of Reading Borough Council’s Hackney Carriage and Private Hire Vehicle Convictions Policy, which states that where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked;

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- (f) the Sub-Committee did not believe or accept RB's explanation of the incident that led to his convictions, found the convictions to be directly relevant to RB's suitability as a driver, and found nothing sufficient or exceptional in RB's representations to outweigh the clear terms of the Council's Hackney Carriage and Private Hire Vehicle Convictions Policy;

RB was advised of his right of appeal.

- (4) That the Private Hire Vehicle Driver's Licence in respect of RB be revoked with effect from the end of 21 days' notice being given to the driver, due to RB not being considered to be a fit and proper person to hold such a licence and by reason of:

- (a) The serious nature of the offences, as detailed in the report;
- (b) breaches of licence conditions, traffic regulations and legislation, as detailed in the report;
- (c) RB having been convicted of an offence under the Town Police and Clauses Act 1847, which under Section 61 of the Local Government Miscellaneous Provisions Act 1976 was a ground for revocation;
- (d) Section 58 of the Council's Hackney Carriage and Private Hire Vehicle Convictions Policy which states that a licence holder convicted of any offences under any relevant hackney carriage or private hire legislation will have their licence revoked;
- (e) Section 54 of Reading Borough Council's Hackney Carriage and Private Hire Vehicle Convictions Policy which states that where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked;
- (f) the Sub-Committee did not believe or accept RB's explanation of the incident that led to his convictions, found the convictions to be directly relevant to RB's suitability as a driver, and found nothing sufficient or exceptional in RB's representations to outweigh the clear terms of the Council's Hackney Carriage and Private Hire Vehicle Convictions Policy;

RB was advised of his right of appeal.

- (5) That the Private Hire Vehicle Driver's Licence in respect of MA be revoked with effect from the end of 21 days' notice being given to the driver, due to MA not being considered a fit and proper person to hold such a licence by reason of:

- (a) the nature of the offence, as detailed in the report;

- (b) Sections 56 and 57 of the Council's Hackney Carriage and Private Hire Vehicle Convictions Policy which states:

“Using a hand-held device whilst driving

*56. Where an applicant has a conviction for using a hand-held mobile telephone or a handheld device whilst driving, a licence will not be granted until at least **FIVE YEARS** have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.*

*57. 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 on the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a hand-held mobile telephone or a hand-held device, will have their licence revoked.”*

- (c) the Sub-Committee found that the offence of using a mobile phone whilst driving involves distraction and therefore entails risk, the Sub-Committee did not consider the representations made by MA regarding the offence to be exceptional or sufficient to outweigh the clear terms of the Council's Hackney Carriage and Private Hire Vehicle Convictions Policy;

MA was advised of his right of appeal.

- (6) That the application by MA for a Private Hire Vehicle Operator's Licence for up to 10 vehicles be granted, with a warning issued as to MA's future conduct.

(The meeting started at 5 pm and closed at 9.13 pm)