

# LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 10 AUGUST 2023

**Present:** Councillor Woodward (Chair), G Dennis and Mitchell

## 9. MINUTES

The Minutes of the meetings held on 20 and 27 July 2023 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. APPLICATIONS FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE, A REPORT FOR THE CONSIDERATION OF THE SUSPENSION/REVOCAION OF A HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCE AND AN APPEAL AGAINST THE ALLOCATION OF PENALTY POINTS TO A PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Sub-Committee considered a report that set out an application for the suspension or revocation of a Hackney Carriage Vehicle Driver's Licence and an application for the grant of a Private Hire Vehicle Driver's Licence. The report also detailed an appeal against the allocation of penalty points to a Private Hire Vehicle Driver's Licence.

A summary of the circumstances of each of the cases was appended to the report.

ES and his representative AS were present at the meeting, both addressed the Sub-Committee and responded to questions. In the case of ES, the Sub-Committee also heard oral evidence from two witnesses to an incident that took place on 12 February 2023.

MAO was not present at the meeting and had not provided the Sub-Committee with an explanation for their absence. The Sub-Committee noted that MAO's case had been deferred from the meeting held on 27 July 2023 which MAO had also not attended and had not provided a reason for their absence. Consequently, the Sub-Committee agreed to hear the case in MAO's absence.

SBM was not present at the meeting and had not provided the Sub-Committee with a reason for their absence. The Sub-Committee agreed to defer SBM's case to a future meeting of the Sub-Committee to allow them to attend.

In reaching their decisions, the Sub-Committee gave due consideration to the written evidence contained in the paperwork and to the oral provided evidence at the meeting and to the relevant legislation and policies of Reading Borough Council, namely:

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- The Town Police Clauses Act 1847 and the Local Government Miscellaneous (Provisions Act) 1976;
- The Secretary of State's Guidance;
- Reading Borough Council's Private Hire Vehicle Conditions;
- Reading Borough Council's Taxi and Private Hire Vehicle Criminal Convictions Policy;
- The Equality Act 2010;
- The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

### Resolved –

- (1) That the Hackney Carriage Vehicle Driver's Licence in respect of ES be revoked with immediate effect due to reasons of public safety, ES not being considered a fit and proper person to hold such a licence and for the reasonable causes pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976 by reason of:
  - a) The nature of the allegations, as detailed within the report;
  - b) Breaches of licence conditions, traffic regulations and legislation, including that ES had driven unsafely on the 12 February 2023;
  - c) Concern over the safety of the public given the circumstances of the allegations and breaches in (a) and (b) above;
  - d) ES's licence having previously been suspended by the Sub-Committee on 3 August 2022 for 7 days;
  - e) ES having subsequently received three further warnings in a very short period of time, between January and March 2023;
  - f) The Sub-Committee preferring the evidence of the two witnesses of the incident on 12 February 2023, who they found to be credible;
  - g) ES not acknowledging any wrongdoing;
  - h) The Sub-Committee finding ES to have made false allegations against the two witnesses of the incident on the 12 February 2023; and
  - i) The Sub-Committee finding ES to have acted dishonestly.

ES was advised of their right of appeal and that if on doing so lost their appeal that RBC would seek to recover our costs in relation to the appeal.

- (2) That the application by MAO for the grant of the Private Hire Vehicle Driver's Licence be decided in MAO's absence as the application had already been deferred by the Sub-Committee on 27 July 2023 which MAO had also failed to attend and had not provided any explanation for their absence and the following decision was made:

That the application by MAO for the grant of a Private Hire Vehicle Driver's Licence be refused due to MAO not being considered a fit and proper person by reason of:

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- a) The nature of the offences, as detailed within the report;
- b) Breaches of licence conditions, traffic regulations and legislation as detailed in the report; and
- c) The Sub-Committee finding MAO to have been dishonest during the application process by not declaring any previous convictions and also not having declared that they had had a dual Hackney Carriage / Private Hire Vehicle Driver's Licence revoked by South Oxfordshire District Council.

The Sub-Committee noted that MAO had the right to appeal.

- (3) That the appeal against the allocation of penalty points to the Private Hire Vehicle Driver's Licence in respect of SBM be deferred to a future meeting of the Sub-Committee to allow SBM to attend.

(Exempt information as defined in paragraphs 1, 2, 3 and 5)

(The meeting started at 9.30 am and closed at 11.01 am)