

**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 23 NOVEMBER
2023**

Present: Councillor Woodward (Chair); Edwards (Vice-Chair) and Rowland

23. 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.

24. APPLICATIONS FOR THE GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCES, A REPORT FOR THE CONSIDERATION OF THE SUSPENSION/REVOCATION OF A PRIVATE HIRE 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 grant of a Private Hire Vehicle Driver's Licence, an application for the grant of a Hackney Carriage Vehicle Driver's Licence, an application for the consideration of the suspension/revocation of a Private Hire Vehicle Driver's Licence and an appeal against the allocation of penalty points to a Private Hire Driver's Licence.

LMS (Appendix 1) was present at the meeting with his solicitor, Adonis Daniel. Both addressed the Sub-Committee and responded to questions.

WHR (Appendix 2) was present at the meeting, addressed the Sub-Committee and responded to questions.

MY (Appendix 3) was not present at the meeting. The Sub-Committee noted that MY had been informed of the time and date of the hearing, had failed to attend, and had failed to communicate any reason for not attending. The Sub-Committee was satisfied that MY had been made aware that the hearing would be taking place and decided to determine the application in his absence.

NS (Appendix 4) was present at the meeting, addressed the Sub-Committee and responded to questions.

Mark Groves, RBC Licensing Officer, presented each case to the Sub-Committee and responded to questions. Mike Harding, RBC Licensing Officer, also attended the meeting.

In reaching its decisions the Sub-Committee gave due consideration to the written evidence contained in the paperwork, the oral evidence provided at the meeting by the Licensing

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Officer and by the applicants and their representatives who attended, and to relevant legislation and the policies of Reading Borough Council, including:

- 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 System;
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle Convictions Policy;

In reaching its decisions the Sub-Committee endeavoured to strike a fair balance between the interests of the applicants and the concerns of officers.

Resolved –

- (1) That the application for a Private Hire Vehicle Driver's licence in respect of LMS be refused due to LMS not being considered a fit and proper person by reason of:
 - a) LMS having failed to respond to repeated requests from the Licensing Team to give his explanation of the allegations investigated by TVP. The Sub-Committee were concerned that LMS had not responded to similar requests, after submitting his current application in 2023;
 - b) The Sub-Committee not being satisfied that LMS's account was reliable, when he said that he was unaware of the revocation of his previous licence, but had chosen in that same period of time, to give up his job driving a Private Hire Vehicle;
 - c) LMS not having abided by his licence conditions, namely to inform the Licensing Team of his repeated changes of address, nor had he informed the Licensing Team that, according to him, he had chosen to no longer drive for reward under his licence;
 - d) LMS not having revealed his previous conviction for a minor motoring matter when submitting his latest application;
 - e) The Sub-Committee did not think that LMS was being entirely truthful with them;
 - f) The Sub-Committee not being satisfied that LMS had a sufficient grasp of Reading Borough Council's licence conditions to be able to abide by those conditions if granted a licence.

LMS was advised of his right to appeal against the decision to Reading Magistrates' Court, Civic Centre, Castle Road, Reading, RG1 7TQ, within the period of 21 days beginning with the day on which they were notified by the licensing authority of the decision appealed against.

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- (2) That the Sub-Committee adjourns the determination of the application for a Hackney Carriage Vehicle Driver's licence in respect of WHR for not less than 16 days.
- (3) That the Private Hire Vehicle Driver's Licence in respect of MY be revoked with immediate effect under section 61 of the Local Government (Miscellaneous Provisions) Act 1976, for reasons of public safety, due to MY not being considered a fit and proper person by reason of:
- a) The conviction received for plying for hire, as detailed in the report;
 - b) The failure by MY to notify the Licensing Team of the conviction, despite being told that he must do so by the convicting court;
 - c) MY having continued to deny the criminal offence in his email to the Licencing Team, even after being convicted of it;
 - d) Paragraph 57 of Reading Borough 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) MY's chequered driving history (the Sub-Committee did however note the age of the infractions).

The Sub-Committee noted MY's right to appeal against the decision to Reading Magistrates' Court, Civic Centre, Castle Road, Reading, RG1 7TQ, within the period of 21 days beginning with the day on which they were notified by the licensing authority of the decision appealed against.

- (4) That the appeal against the attachment of 9 penalty points to NS's Private Hire Vehicle Driver's licence be upheld in part. The Sub-Committee found that the following Private Hire Driver Conditions had been breached:
- 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 foot. To do so – 3 penalty points)
 - Condition 30.1 – (At any time when driving a private hire vehicle you must not cause or permit the vehicle to be station on double yellow lines, other than to allow passengers to board or alight from your vehicle. To do so – 3 penalty points)

The Sub-Committee found the applicant had been candid with them. They accepted that he was remorseful for his actions that day and had a good idea in general of his responsibilities as a professional driver.

The Sub-Committee was not clear what the factual basis for the additional three penalty points attached to the licence under Condition 30.3 was, in addition to the two infractions list above. The Sub-Committee therefore

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determined to remove those three penalty points, leaving a total of 6 penalty points to be attached to NS's Private Hire Vehicle Driver's licence.

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

(The meeting started at 9.34 am and closed at 12.57 pm)