

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES

20 MARCH 2025

Present: Councillors Woodward (Chair), Leng and Magon.

45. MINUTES

The Minutes of the meetings held on 23 January 2025, 30 January 2025 and 6 February 2025 were confirmed as correct records and signed by the Chair.

46. 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.

47. REPORTS TO CONSIDER THE SUSPENSION/REVOCATION OF PRIVATE HIRE VEHICLE DRIVERS' LICENCES, PRIVATE HIRE (SCHOOL TRANSPORT) VEHICLE OPERATORS' LICENCES AND PRIVATE HIRE VEHICLE OPERATORS' LICENCES

The Sub-Committee considered a report that set out the following cases relating to two individuals:

- An application to consider the suspension/revocation of a Private Hire (School Transport) Operator's Licence. Licence Holder: AM (Appendix 1);
- An application to consider the suspension/revocation of a Private Hire Operator's Licence. Licence Holder: AM (Appendix 2);
- An application to consider the suspension/revocation of a Private Hire Driver's Licence. Licence Holder: AM (Appendix 3);
- An application to consider the suspension/revocation of a Private Hire (School Transport) Operator's Licence. Licence Holder: FB (Appendix 4);
- An application to consider the suspension/revocation of a Private Hire Operator's Licence. Licence Holder: FB (Appendix 5);
- An application to consider the suspension/revocation of a Private Hire Driver's Licence. Licence Holder: FB (Appendix 6);

Summaries detailing the circumstances relating to each case were attached to the report at Appendices 1 to 6.

As there was a significant factual overlap that connected the two individuals' cases concerning the incident that took place on 22 May 2024, the Sub-Committee decided to hear the cases together at the same time.

AM and FB both attended the meeting, addressed the Sub-Committee and asked and responded to questions.

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Nicola Butler, RBC Licensing Team, presented the report to the Sub-Committee and asked and responded to questions. Ben Williams and Anthony Chawama, RBC Licensing Team also attended the meeting, addressed the Sub-Committee and asked and responded to questions.

The Sub-Committee also considered a request made by AM to defer the hearing to a later date. Copies of email correspondence between AM and Licensing officers requesting a deferral had been circulated to the Sub-Committee by email prior to the meeting. Hard copies of the same email correspondence were provided at the meeting. AM's request to defer had been made on the basis that he wanted legal representation but had not been able to obtain it in the 8 days since being issued with the notice of the hearing.

FB advised the Sub-Committee that he wished to proceed with the hearing as it had been 10-months since the incident, that waiting had been stressful and that they wanted the matter to be resolved.

The Licensing Team asked to proceed with the hearing as there were safeguarding concerns.

Additional information provided to Licensing officers by FB had been circulated to the Sub-Committee by email prior to the meeting. Hard copies were provided at the meeting.

During the hearing FB was instructed to leave room whilst the Sub-Committee discussed an incident that took place on 9 December 2024 that related solely to AM's cases.

Decisions in respect of each case were taken individually and with the primary purpose of safeguarding the public.

In reaching its decisions the Sub-Committee gave due consideration to the written material contained in the paperwork, the oral evidence provided at the meeting by Licensing Officers, the oral evidence provided at the meeting by the two drivers/operators, and to relevant legislation, guidance and the policies of Reading Borough Council, and in particular:

- The Local Government (Miscellaneous Provisions Act) Act 1976;
- The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022;
- The Secretary of State's Guidance;
- The Equality Act 2010;
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle Convictions Policy;
- Reading Borough Council's School Transport Vehicle Operator Conditions;
- Reading Borough Council's Private Hire Vehicle Operator Conditions;
- Reading Borough Council's Private Hire Vehicle Driver Conditions & Penalty Points Enforcement System;
- All of the documents provided for the meeting, including the additional information circulated via email, and;
- The Fit and Proper Person Test.

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Resolved –

- (1) That the request made by AM to defer the hearing to a later date be refused due to the Sub-Committee feeling that, in the interests of public safety, the cases should be heard immediately and not be deferred;
- (2) That the private hire school transport operator's licence in respect of AM be revoked due to the Sub-Committee not considering AM to be a fit and proper person to hold such a licence for the following reasons:
 - (a) the Sub-Committee found that, in respect of the 22 May 2024 incident, AM had operated an unlicenced driver in an unlicenced vehicle, as the holder of two different operator licences AM was responsible and should have ensured that both the driver and the vehicle had valid licences and should have known who was driving for him;
 - (b) the Sub-Committee found that, in respect of the 22 May 2024 incident and the actions of the unlicenced driver, there had been a significant breach of the safeguarding requirements applicable to all operators and drivers;
 - (c) the Sub-Committee found that, in respect of the 22 May 2024 incident, AM had been dishonest and wrong to put forward a false account when challenged and it had been wrong of AM to have enlisted another driver to perpetuate a false version of the incident for him;
 - (d) the Sub-Committee found that AM had not given them an honest account of the 22 May 2024 incident, under interview AM had said they had arranged for FB to look after things, but AM had told the Sub-Committee that he had in fact remained in control and that he had arranged for another person to cover the journey, the Sub-Committee found that by attempting to place the blame another person AM had again been dishonest and had demonstrated a lack of understanding of his duties as the holder of an operator's licence;
 - (e) the Sub-Committee found that AM had not been able to control his operations properly from abroad whilst using an unreliable phone line and that AM had no reliable way of delegating work whilst being abroad;
 - (f) the Sub-Committee found that, in respect of the 9 December 2024 matter, there had been a clear safeguarding breach whereby a driver who had been working for AM had left a child unattended in the car whilst they returned to their home address and that it had been a matter of fortune that the child, who had then left the car and walked along the street unattended, had been spotted by a teacher, the Sub-Committee found that the outcome could have been disastrous;

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- (g) the Sub-Committee found that, in respect of the 9 December 2024 matter, AM had breached the conditions of his private hire operator's licence by using a school transport driver and vehicle for what was clearly a private hire job, and that a competent operator would have understood the difference and would have known this was not acceptable;
- (h) the Sub-Committee found that AM did not have a clear grasp of the difference of between School Transport contracts and licences and Private Hire contracts and licences, and that this failure would negatively affect AM's ability to manage his drivers in accordance with the Council's licence conditions and statutory guidance, the Sub-Committee found that AM understood the difference but was trying to evade blame;
- (i) the Sub-Committee noted AM's attempt to convey that all of the holders of operator's licences in Reading were doing the same thing, but did not think the attempt to deflect blame reflected well on AM and noted that it had taken AM a long time to accept that what he had done was wrong;
- (j) the Sub-Committee noted that at no stage did AM make any mention about the safety of the children involved, which did not reflect well on his understanding of the safeguarding responsibilities he had to comply with;

(3) That the private hire operator's licence in respect of AM be revoked due to the Sub-Committee not considering AM to be a fit and proper person to hold such a licence for the same reasons as specified in 2(a) to (j) above;

(4) That, pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the private hire driver's licence in respect of AM be revoked with immediate effect for reasons of public safety and due to the Sub-Committee not considering AM to be a fit and proper person to hold such a licence for the same reasons as set out in (2) (a) to (j) above;

(5) That the private hire school transport operator's licence in respect of FB be revoked due to the Sub-Committee not considering FB to be a fit and proper person to hold such a licence for the following reasons:

- (a) the Sub-Committee found that FB had felt pressured to help a friend and in doing so had willingly attempted to obstruct and mislead the Licensing Team's investigation in an effort to cover up the fact that an unlicensed driver had conducted a School Transport journey during which a significant safeguarding breach had taken place;
- (b) the Sub-Committee found that it had been wrong for FB to have agreed to help a friend in a dishonest way and it had been wrong and dishonest of FB to have misled and have obstructed the Licensing Team whilst they investigated the incident, the Sub-Committee did not think that a person that was so suggestible was fit to hold a licence;

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- (c) the Sub-Committee found that FB had given a false version of events whilst being interviewed under caution and that FB had then only later admitted to doing so after strong evidence had been revealed to him;
- (d) the Sub-Committee were sympathetic about the position FB found himself in and assessed FB's remorse as being genuine but found that this did not excuse FB's actions which he must have known were serious and dishonest, furthermore FB had not made any reference to the wellbeing of the child involved;
- (e) the Sub-Committee found that FB had failed in his duty to inform the authorities about a safeguarding breach and had continued to give a false version of events after being told about the breach;

(6) That the private hire operator's licence in respect of FB be revoked due to the Sub-Committee not considering FB to be a fit and proper person to hold such a licence for the same reasons as specified in 5(a) – (e) above;

(7) That, pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the private hire driver's licence in respect of FB be revoked with immediate effect for reasons of public safety and due to the Sub-Committee not considering FB to be a fit and proper person to hold such a licence for the same reasons as set out in (5) (a) to (e) above;

(8) That it be noted that the Chair advised AM and FB of their right to appeal all or any of the Sub-Committee's decisions, 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 decisions appealed against.

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

(The meeting started at 9.25 am and closed at 11.57 am)

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