

FAREHAM

BOROUGH COUNCIL

Minutes of the Licensing Panel

(to be confirmed at the next meeting)

Date: Wednesday, 11 October 2023

Venue: Council Chamber - Civic Offices

PRESENT:

Councillor Pamela Bryant (Chairman)

Councillors: Ms F Burgess and S Dugan



1. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and representatives of the press be excluded from the meeting in accordance with Section 100(A) of the Local Government Act 1972 on the grounds that the matters to be dealt with involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12 of The Act.

2. REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVING LICENCE

The Panel considered a report by the Licensing Officer which contained exempt information in respect of a private hire vehicle driving licence. A copy of the report was circulated to members of the Panel with the agenda in advance of the meeting.

The Licensing Officer presented the circumstances of the case, as supported by the documentary evidence. There were no questions or points for clarification raised by the Licence Holder or Members of the Panel.

The Licence Holder presented the circumstances of his case, as detailed in the documentary evidence, and answered questions thereon from Members of the Panel.

The Licence Holder was invited to make a closing statement in respect of the circumstances of the case but declined to do so.

The Licensing Officer and the Licence Holder left the room whilst the Panel considered its decision in private.

Following the Panel's deliberations, the Licensing Officer and the Licence Holder returned to the meeting to hear the Chairman announce the Panel's Decision as follows:

The Panel has considered very carefully the report of the Licensing Officer and all the evidence presented today. It has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") and the guidelines relating to the application of the "fit and proper person" test and other considerations of character. The Human Rights Act has been borne in mind whilst making the decision.

Mr A attended the hearing before the Panel and reiterated his written statement which was contained in the pack and provided information regarding the circumstances and answered questions from the panel.

Mr A stated that he has a Fareham Borough Council (FBC) private hire taxi licence but works in Reading as this is nearer to his home and it is more convenient for him to work in the Reading area. He has a licence from Fareham Borough Council due to the fact that he works through Uber and their processes do not enable him to have a Reading Borough Council taxi licence if he wants to work with them.

He stated that he is aware of his responsibilities as a taxi driver and the requirements of him. He stated that the taxi licence plate was not displayed on his vehicle as he had had his vehicle washed and the tyres changed that morning and the licence plate had become detached from the vehicle during this time. He then did one or two taxi driver jobs before attending Reading festival later the same day where he was spoken to by a Reading Borough Council licensing officer who pointed out the fact that he did not have the plate displayed on his vehicle and nor was he wearing his badge. Mr A explained to the officer that he was not working and had had his car washed that morning and that the plate had become detached from his vehicle.

Mr A stated that he used to have a taxi licence with Reading Borough Council but does not anymore as he is able to drive and operate using Uber with a licence from FBC but is not able to drive through Uber with a licence from Reading Borough Council.

Mr A stated he had no points and had a good record and he was asked for further information in this respect by the panel as an email from Reading Borough Council stated he had three penalty points on his PH VDL for not displaying the licence plate on his vehicle. Mr A stated he did not know anything about that but stated that when he did work for Reading BC previously there were rules about not needing to display the plate if you had an executive vehicle. Mr A referred to changing his vehicle to one that was an executive vehicle shortly before he stopped working under the Reading taxi licence. The documentation within the licensing pack stated that the licence plate appeared very clean, as though it had never been displayed.

The panel considered all the facts and has decided that Mr A is a fit and proper person in accordance with the Act and therefore his private hire taxi drivers licence should remain in place. The panel considered that should a similar incident happen again the outcome/decision of a panel could be different and could result in the revocation of his private hire drivers licence.

Reasons for Decision

The panel considered the information they had received in detail and decided that Mr A is a fit and proper person to hold a private hire taxi licence. It was considered that although there was a suggestion that the plate had never been displayed on the vehicle there was not sufficient evidence to prove that it had never been displayed and the only evidence at this time was from Mr A who stated that it had been displayed but had become detached that morning when he had his car cleaned.

With regards to the penalty points Reading Borough Council informed FBC about but Mr A did not have knowledge of it was considered that there was insufficient evidence or information to properly consider this as very limited and scant information generally had been provided by Reading Borough Council regarding this matter. It was also questioned whether those penalty points referred to by Reading Borough Council were even valid/still in force in view of the fact that Mr A no longer had a licence with Reading Borough Council.

Mr A came across as being genuine and it was noted that although Mr A had done one or two taxi driver jobs before attending the reading festival

after the plate had become detached, Mr A, when he was spoken to by the Reading Borough Council officer for not having the license plate displayed, was not working in his capacity as a private hire taxi driver. It was considered there is not sufficient evidence to suggest that he is not fit and proper as a result of the information received from Reading Borough Council at this time. In future, it would be helpful if Reading Borough Council could provide much more detailed information regarding such incidents.

RESOLVED that the Licensing Panel considers the Licence Holder to be a fit and proper person to hold a private hire vehicle driving licence and that the licence should remain in force.

(The meeting started at 10.30 am
and ended at 12.10 pm).

..... Chairman

..... Date