

To: Councillor Woodward (Chair), Edwards
and Keane

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Your contact is: **Andrew Wood - Committee Services**

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 14 DECEMBER 2023

A meeting of the Licensing Applications Sub-Committee will be held on Thursday, 14 December 2023 at 9.30 am in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. The Agenda for the meeting is set out below.

	<u>AFFECTED</u>	<u>Page No</u>
	<u>WARDS</u>	
1. DECLARATIONS OF INTEREST		
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. MINUTES		5 - 12
To confirm the Minutes of the Licensing Applications Sub-Committees held on 23 November 2023 and 28 November 2023.		
3. EXCLUSION OF THE PRESS AND PUBLIC		
At this point, the following motion will be moved by the Chair:		
“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 items on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of that Act.”		
4. APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCES	BOROUGH WIDE	13 - 102

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A report to consider applications for the grant of a Hackney Carriage Vehicle Driver's Licence and a Private Hire Hackney Carriage Vehicle Driver's Licence.

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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)

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

Present: Councillor Woodward (Chair), Edwards (Vice-Chair) and Keane

25. MINUTES

The Minutes of the meeting held on 16 November 2023 were confirmed as a correct record and signed by the Chair.

26. APPLICATION FOR THE RENEWAL OF A STREET TRADING CONSENT, BROAD STREET, READING

The Sub-Committee considered a report on an application for the renewal of a street trading consent from Mr Salim Alami in respect of Broad Street, Reading.

The report stated that Mr Alami (the applicant) had held a street trading consent on Broad Street for over 15 years and for the majority of that time had sold leather goods, belts, scarves, sunglasses, gloves, hats and buckles. Upon renewal of his street trading consent in 2021 Mr Alami had successfully applied to sell juices, smoothies, slushies, shakes and cakes. The report stated that Mr Alami had submitted a renewal application for street trading consent on 10 October 2023 for the following:

Proposed trading hours:

Monday to Saturday - 0900hrs to 1800hrs.
Sunday - 1000hrs to 1700hrs.

Proposed goods to be sold:

Juices, Smoothies, Slushies, Shakes and Cakes.

A copy of the application was attached to the report at Appendix TS-1. A photograph of the location of the pitch applied for (location outside 105 Broad Street) was attached to the report at Appendix TS-2. The size of the proposed catering trailer was 12ft by 6ft and a photograph of the proposed catering trailer was attached to the report at Appendix TS-3.

The report explained that during the 28-day consultation period for the renewal application a representation had been received from Mr Robert Smalley, Reading Borough Council (RBC) Licensing Team. A copy of the representation was attached to the report at Appendix TS-4. The following appendices were attached to the representation:

- Appendix RS-1 – Street Trading Consent Application Form
- Appendix RS-2 – Photo of Trading Location
- Appendix RS-3 – Photo of Trailer
- Appendix RS-4 – Days Mr Alami Witnessed Not Trading
- Appendix RS-5 – Letter Requesting Explanation from Mr Alami
- Appendix RS-6 – Mr Alami's Response to Explanation Request

Information provided by the applicant to support the application was attached to the report at Appendix TS-5. The applicant and the applicant's representative had also submitted

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further information after the publication of the agenda which had been circulated to the Sub-Committee and had been published as a supplement agenda pack, marked as Additional Information 1 and Additional Information 2. The Additional Information included an undertaking from the applicant.

Tabitha Shaw, RBC Licensing Team, presented the report to the Sub-Committee. Peter Narancic and Ben Williams from the RBC Licensing Team also attended the meeting and asked and answered questions.

Mr Salim Alami (the applicant) attended the meeting with his representative, Mr Jon Payne of Licensing Lawyers. Both addressed the Sub-Committee and responded to questions from Councillors and the Licensing Team.

Robert Smalley, RBC Licensing Team, attended the meeting to present the representation he had submitted on behalf of the Licensing Team. He addressed the Sub-Committee and responded to questions.

The Sub-Committee considered the Licensing Team's concerns about the application which revolved around Mr Alami's failure to trade in the past. However, the Sub-Committee also heard Mr Alami's assertions that he was now ready and able to trade, subject to favourable weather conditions, having completed the refitting of the trailer and having arranged access to water. The Sub-Committee also heard that Mr Alami had been trading for 20 years, was committed to trading regularly and was willing to amend his application to include some hot drinks in order to increase when he might trade. The Sub-Committee understood the delays caused to the trailer refitting process and that items like juices and smoothies were in demand on a seasonal basis.

Resolved –

- (1) That, having given due consideration to the written evidence contained in the paperwork and the oral evidence at the meeting, to the relevant legislation, guidance, and policies of Reading Borough Council, and, in particular:
 - The Powers of the Authority in determining an application for the grant/renewal of a street trading consent;
 - The Local Government (Miscellaneous Provisions) Act 1982, and Schedule 4 in particular;
 - All representations;
 - All of the documents provided for the meeting; and,
 - The Reading Borough Council Street Trading Policy 2023-2028, and Annex 2 – Street Trading Standard Terms and Conditions:

The Sub-Committee grant the application for the renewal of the Street Trading Consent, incorporating all of the Street Trading Standard Terms and Conditions (set out at Annex 2 of the Reading Borough Council Street Trading Policy 2023-2028) for the sale of:

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Juices, Smoothies, Slushies, Shakes, Cakes and Hot Food and Drink not specifically listed on any existing street trading consent/licence previously granted by Reading Borough Council.

The Applicant's undertaking was accepted. The logistics of how and when the trading log would be given to Licensing officers was left to the Applicant and the Licensing Team to finalise and was not a condition made by the Sub-Committee.

(The meeting started at 5.00 pm and closed at 6.19 pm)

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