

To: Councillors Woodward (Chair), Asare and Tarar

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17 July 2024

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NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 25 JULY 2024

A meeting of the Licensing Applications Sub-Committee will be held on Thursday, 25 July 2024 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 WARDS</u>	<u>Page No</u>
1. DECLARATIONS OF INTEREST		
Councillors to declare any disclosable interests they may have in relation to the items for consideration.		
2. MINUTES		5 - 8
To confirm the Minutes of the Licensing Applications Sub-Committee meeting held on 27 June 2024.		
3. EXCLUSION OF 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."

CIVIC OFFICES EMERGENCY EVACUATION: If an alarm sounds, leave by the nearest fire exit quickly and calmly and assemble on the corner of Bridge Street and Fobney Street. You will be advised when it is safe to re-enter the building.

4. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE, AN APPLICATION TO CONSIDER THE SUSPENSION/REVOCATION OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS TO PRIVATE HIRE VEHICLE DRIVERS' LICENCES** BOROUGH 9 - 134 WIDE

A report asking the Sub-Committee to determine an application for the grant of a Private Hire Vehicle Driver's Licence, an application to consider the suspension/revocation of a Private Hire Vehicle Driver's Licence and appeals against the allocation of penalty points to Private Hire Vehicle Drivers' Licences.

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Agenda Item 2

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 27 JUNE 2024

Present: Councillor Woodward (Chair), Edwards and Rowland.

5. MINUTES

The Minutes of the meetings held on 30 May and 4 June 2024 were confirmed as a correct record and signed by the Chair.

6. 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.

7. REPORT TO CONSIDER THE SUSPENSION/REVOCATION OF HACKNEY CARRIAGE VEHICLE DRIVERS' LICENCES

The Sub-Committee considered a report that set out the following:

- An application to consider the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence – Licence Holder WAK (Appendix 1);
- An application to consider the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence – Licence Holder AK (Appendix 2);
- An application to consider the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence – Licence Holder AN (Appendix 3);
- An application to consider the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence – Licence Holder MI (Appendix 4); and
- An application to consider the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence – Licence Holder MA (Appendix 5).

Summaries detailing the circumstances relating to each of the above listed applications were attached to the report at Appendices 1 to 5.

WAK attended the meeting accompanied by Adonis Daniel, his legal representative. They both addressed the Sub-Committee and responded to questions.

AK attended the meeting accompanied by Adonis Daniel, his legal representative. They both addressed the Sub-Committee and responded to questions.

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES - 27 JUNE 2024

AN and his father were present at the meeting. They both addressed the Sub-Committee and responded to questions.

MI was present at the meeting, addressed the Sub-Committee and responded to questions.

MA was present at the meeting, addressed the Sub-Committee and responded to questions.

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

In reaching its decisions the Sub-Committee endeavoured to strike a fair balance between the interests of the applicants and the concerns of officers, and gave due consideration to the written material contained in the paperwork, the oral evidence provided at the meeting by Licensing Officer(s), the witness and by the Applicants, their representatives, and to relevant legislation, guidance and the policies of Reading Borough Council, and in particular:

- 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 systems;
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle Convictions Policy;
- All of the documents provided for the meeting; and
- The Fit and Proper Person Test.

Resolved –

- (1) That the Hackney Carriage Vehicle Driver's Licence in respect of WAK be suspended for a period of one week with effect from 21 days of formal notice being served under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 to allow WAK time to review the conditions of his licence and review his position in relation to any future actions as a professional driver.

The Sub-Committee informed WAK of their 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.

- (2) That the application for the consideration of the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence in respect of AK be provisionally

deferred to the meeting of the Licensing Applications Sub-Committee to be held on 26 September 2024 to await the outcome of AK's appeal to the Crown Court and that the Sub-Committee write to the Crown Court requesting that the case be expedited as a matter of public safety.

- (3) That AN be required to take and pass a disability awareness course within 21 days from the formal issue of the decision notice and in addition AN must re-take and pass the wheelchair assessment practical course within six weeks. Failure to do so within that time frame, would result in the suspension of AN's hackney carriage vehicle driver's licence until the courses had been completed. The courses must provide a pass certificate that should be sent to the Licensing Team or AN's hackney carriage driver's licence would be suspended.

The Sub-Committee informed AN of their 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 Hackney Carriage Vehicle Driver's Licence in respect of MI be suspended for a period of fourteen days with effect from 21 days of formal notice being served under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 to allow MI time to review the conditions of his licence and review his position in relation to future conduct as a professional driver.

The Sub-Committee informed MI of their 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.

- (5) That the Hackney Carriage Vehicle Driver's Licence in respect of MA be suspended for a period of fourteen days with effect from 21 days of formal notice being served under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 to allow MA time to review the conditions of his licence and review his position in relation to any future actions as a professional driver.

The Sub-Committee informed MA of their 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.

(The meeting started at 9.30 am and closed at 1.54 pm)

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Agenda Item 4

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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