

**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES
30 JANUARY 2025**

Present: Councillors Woodward (Chair), Keane and Tarar.

41. MINUTES

The Minutes of the meetings held on 12 December 2024 were confirmed as a correct record and signed by the Chair.

42. 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.

43. APPLICATIONS FOR THE GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCES AND A REPORT TO CONSIDER THE SUSPENSION/REVOCATION OF A HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCE

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

- An application for the grant of a Hackney Carriage Vehicle Driver's Licence – Applicant MS (Appendix 1);
- An application for grant of a Private Hire School Transport Vehicle Driver's Licence – Applicant JA (Appendix 2);
- A report requesting consideration of the suspension/revocation of a Hackney Carriage Driver's Licence: Licence Holder MAK (Appendix 3).

Summaries detailing the circumstances relating to each case were attached to the report at Appendices 1, 2 and 3.

MS did not attend the meeting and not had not responded to officers with apologies or to ask for a deferral. The Sub-Committee considered that it would be appropriate to decide the application in their absence.

JA attended the meeting, addressed the Sub-Committee and responded to questions.

MAK and his legal advisor, Adonis Daniel, Andrew Storch Solicitors, attended the meeting, addressed the Sub-Committee and responded to questions.

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

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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 Officers, the applicants/appellants, 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, in particular Section 61 relating to the suspension and revocation of drivers' licences;
- 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 Convictions Policy;
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle conditions and penalty points enforcement systems;
- All of the documents provided for the meeting and;
- The Fit and Proper Person Test.

Resolved –

- (1) That the application by MS for the grant of a Hackney Carriage Vehicle Driver's Licence be refused due to MS not being considered a fit and proper person by reason of the nature of the convictions as detailed in the report, insufficient time having passed since the date of the conviction and under sections 44, 48, 49, 52 and 53 of the Council's Hackney Carriage and Private Hire Convictions Policy and by reason of:
 - (a) The Sub-Committee was bound by its own Hackney Carriage and Private Hire Convictions Policy 2023. This had come in to force since the last time MS had held a licence from the Council.
 - (b) Section 44 of the Policy clearly stated that where an applicant had any conviction for, or related to, the supply of drugs, or possession with the intent to supply or connected with possession with intent to supply, a licence would not be granted until at least TEN YEARS had elapsed since the completion of any sentence imposed. The suspended sentence for Possession of Controlled Drugs with intent to Supply did not expire until November 2025 and the ten years before the applicant could be considered for a licence would begin then.

MS to be advised of their right of appeal.

- (2) That the application by JA for the grant of a Private Hire Vehicle Driver's Licence be refused due to JA not being considered a fit and proper person by reason of:

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- (a) The Sub-Committee was bound by its own Hackney Carriage and Private Hire Convictions Policy 2023.
- (b) The Sub-Committee found that the applicant had not been dishonest in their previous applications under sections paragraphs 27, 28 and 50 of the policy.
- (c) The Sub-Committee found that JA qualified under paragraph 48 as a driver with multiple motoring convictions, resulting in their disqualification as a 'totter' for 6 months and that this meant that they were not considered a fit and proper person.
- (d) The Sub-Committee was not persuaded that anything had changed about JA since the previous applications or that they had a sufficient grasp of the Reading Borough Council licence conditions to be able to abide by those conditions if they were granted a licence.

JA was advised of their right of appeal.

- (3) That the Hackney Carriage Vehicle Driver's Licence in respect of MAK be revoked with effect from 21 days of the date of the decision being given to the driver under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 for the following reasons:
 - (a) The Licensing Sub-Committee noted that MAK had overcharged in December 2022, that they had "over-ranked" in January 2024, that they had "queue-jumped" in January 2024, had been seen typing on their phone whilst driving in May 2024, and that they had overcharged again in August 2024, all whilst driving their 'for-hire' vehicle.
 - (b) The Licensing Sub-Committee noted that MAK had initially denied making the comment about "Festival Prices" in the August 2024 overcharging matter, but then MAK said they could not remember.
 - (c) The Licensing Sub-Committee noted that MAK had not responded to the May 2024 matter and the August 2024 matter and considered that it was MAK's responsibility to maintain an effective route of communication with the Council's Licensing Team.
 - (d) The Licensing Sub-Committee noted that MAK had been given four warnings over a 12-month period.

MAK was advised of their right of appeal.

(The meeting started at 9.30 am and closed at 11.01 am)