

To: Councillor Woodward (Chair)  
Councillors Keane and Tarar

Direct: ☎ 0118 937 2368  
julie.quarmby@reading.gov.uk

22 January 2025

Your contact is: **Julie Quarmby - Committee Services**

## **NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 30 JANUARY 2025**

A meeting of the Licensing Applications Sub-Committee will be held on Thursday, 30 January 2025 at 9.30 am in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU \*\*. The Agenda for the meeting is set out below.

\*\* see new information about Access to the Civic Offices at the end of the agenda

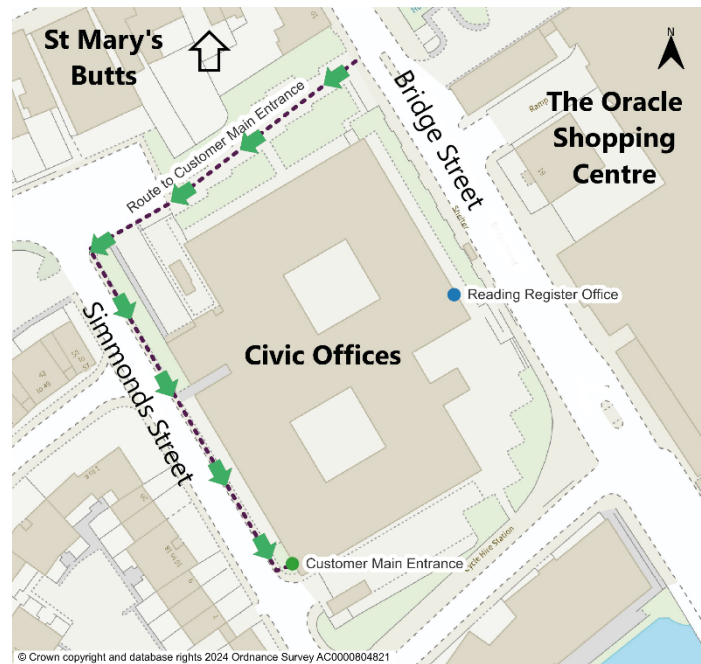
	<b><u>AFFECTED</u></b>	<b><u>Page No</u></b>
	<b><u>WARDS</u></b>	
<b>1. DECLARATIONS OF INTEREST</b>		
Councillors to declare any disclosable interests they may have in relation to the items for consideration.		
<b>2. MINUTES</b>		<b>3 - 4</b>
To confirm the Minutes of the Licensing Applications Sub-Committee meeting held on 12 December 2024.		
<b>3. EXCLUSION OF PRESS AND PUBLIC</b>		
At this point, the following motion will be moved by the Chair:		
<i>“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.”</i>		

4. APPLICATIONS FOR THE GRANT OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCES AND A REPORT TO CONSIDER THE SUSPENSION/REVOCAION OF A HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCE BOROUGH WIDE 5 - 152

A report setting out 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.

**\*\* Access to Civic Offices** - Please note that, from 13 January 2025, the Customer Main Entrance to the Civic Offices is moving from the front of the building to the back, because of construction work for the new Central Library.

If you are attending the meeting in person, please enter via the new Customer Main Entrance in Simmonds Street. (The Council is asking customers not to come down Fobney Street to access the new Customer Entrance, due to heavy construction traffic in this area, and instead to walk via the pedestrian alleyway off Bridge Street next to the "Greek Van") See map below:



## LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES 12 DECEMBER 2024

Present: Councillors Woodward (Chair), Asare and Mitchell.

### **37. 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.

### **38. CONSIDERATION OF THE SUSPENSION/REVOCAION OF A HACKNEY CARRIAGE 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 the following:

- A report requesting consideration of the suspension/revocation of a Hackney Carriage Driver's Licence: Licence Holder MAK (Appendix 1);
- An appeal against the allocation of Penalty Points on a Private Hire Vehicle Driver's Licence – Applicant MF (Appendix 2).

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

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

MF attended the meeting, addressed the Sub-Committee and responded to questions. MF's brother, MF, also attended the meeting but did not speak to the Sub-Committee or respond to questions.

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

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;

**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES  
12 DECEMBER 2024**

- 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 consideration of the revocation/suspension of the Hackney Carriage Vehicle Driver's Licence in respect of MAK be deferred until the meeting of the Sub-Committee to be held on 23 January 2025, to allow MAK time to read and understand the copy of the report to the Sub-committee handed to him at the meeting and to arrange for suitable representation and support.
- (2) That the appeal against the allocation of penalty points to the Private Hire Vehicle driver's licence in respect of MF be partially upheld due to the Sub-Committee's finding that MF had breached the following Private Hire Driver Conditions, as detailed in the report:

Condition 7.1 – You must not cause or permit a vehicle to wait on a hackney carriage stand without reasonable excuse. To do so – 6 penalty points.

Condition 13.4 – You must not smoke in a private hire vehicle at any time. To do so – 3 penalty points.

Condition 26.1 – You must not cause or permit the vehicle to stand or ply for hire or otherwise be used so as to suggest that it is a hackney carriage vehicle. To do so – 6 penalty points.

However, the Sub-Committee found that the points allocated were not proportionate, because there was only one act, namely waiting in the rank, which gave rise to two lots of 6 points consecutive – a total of 12 points. The Sub-Committee considered that the points for breaches of conditions 7.1 and 26.1 should be concurrent, but consecutive to the 3 points for smoking reducing the total to 9 points.

Therefore, the Sub-Committee allowed MF's appeal in part and substituted a penalty of 9 points.

(The meeting started at 9.30 am and closed at 11.57 am)

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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