

To: Councillor Woodward (Chair), Edwards
and Tarar

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

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 4 JUNE 2024

A meeting of the Licensing Applications Sub-Committee will be held on Tuesday, 4 June 2024 at 5.00 pm 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 pecuniary 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 9 May 2024.		
3. EXCLUSION OF PRESS AND PUBLIC		
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. **REPORT TO CONSIDER THE BOROUGH 9 - 138
SUSPENSION/REVOCAION OF HACKNEY CARRIAGE WIDE
AND PRIVATE HIRE VEHICLE DRIVER'S LICENCES AND
APPEALS AGAINST THE ALLOCATION OF PENALTY
POINTS TO PRIVATE HIRE VEHICLE DRIVERS'
LICENCES**

A report asking the Sub-Committee to consider the suspension/revocation of Hackney Carriage and Private Hire Vehicle driver's licences and appeals against the allocation of penalty points to Private Hire Vehicle drivers' licences.

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

48. DECLARATIONS OF INTEREST

Councillor Edwards declared a non-pecuniary interest in the case at Appendix 2 on the grounds that the appellant, AA, was a constituent and that she knew the appellant's father who had stood against her at an election.

49. MINUTES

The Minutes of the meeting held on 3 April 2024 were confirmed as a correct record and signed by the chair.

50. 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.

51. APPLICATIONS TO CONSIDER THE SUSPENSION/REVOCAION OF HACKNEY CARRIAGE VEHICLE DRIVER LICENCES, A REPORT TO DETERMINE AN APPEAL AGAINST THE ALLOCATION OF PENALTY POINTS TO A PRIVATE HIRE VEHICLE DRIVER'S LICENCE AND A REPORT TO DETERMINE AN APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE

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 – Applicant AN (Appendix 1);
- An appeal against the allocation of penalty points to a Private Hire Vehicle Driver's Licence – Appellant AA (Appendix 2);
- An application for the grant of a three-year Private Hire Vehicle Driver's Licence – Applicant JZ (Appendix 3); and
- An application to consider the suspension/revocation of a Private Hire Vehicle Driver's Licence – Applicant WAK (Appendix 4).

Summaries detailing the circumstances relating to each of the above listed applications were attached to the report at Appendices 1 to 4. Additional information had also been circulated to members of the Sub-Committee by email prior to the meeting.

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AN was not present at the meeting. AN had contacted Licensing Officers prior to the meeting and had requested a deferral to allow him to attend the Sub-Committee.

AA was present at the meeting, accompanied by Kamran Saddiq, Reading Private Hire Association. They both addressed the Sub-Committee and responded to questions.

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

WAK attended the Civic Offices at the required time but was not present at the meeting. The Sub-Committee considered a representation received from WAK's representative, Adonis Daniel, Andrew Storch Solicitors, who had contacted Licensing Officers prior to the meeting to request a second deferral of WAK's case to allow him to be able to represent WAK at the Sub-Committee.

Nicola Butler, 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 application for the consideration of the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence in respect of AN be deferred to the next meeting of the Licensing Applications Sub-Committee to allow AN the opportunity to attend the hearing.
- (2) That the appeal against the allocation of penalty points to the Private Hire Vehicle driver's licence in respect of AA be dismissed due to the Sub-

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Committee's finding that AA had breached the following Private Hire Driver Condition, 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.

The Sub-Committee could find no reason to uphold the appeal and therefore decided that the addition of 6 penalty points to AA's Private Hire Vehicle Driver's Licence should stand.

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

- (a) the nature of the offences, as detailed in the report;
- (b) insufficient time having elapsed since the convictions for some of the offences, as detailed in the report;
- (c) paragraphs 50 and 51 of Reading Borough Council's Hackney Carriage and Private Hire Vehicle Convictions Policy which state:

50. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.

51. Where an applicant has a major conviction, the application will be refused whilst the relevant points remain 'valid' on their driving licence.

- (d) the failure by JZ to declare all relevant motoring offences during the application process, as detailed in the report;

JZ was advised of his right to appeal.

- (4) That it be noted that JZ would be a potential applicant for a Private Hire Vehicle Driver's Licence after November 2025.
- (5) That the application for the consideration of the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence in respect of WAK be deferred for a second time to the next meeting of the Licensing Applications Sub-Committee to allow WAK the opportunity to attend the hearing with a legal representative.
- (6) That, further to (5) above, the Sub-Committee noted that it was unlikely to look favourably upon any further requests from WAK to defer the case again.

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(The meeting started at 9.30 am and closed at 10.59 am)

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

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