

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES

5 AUGUST 2025

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

16. MINUTES

The Minutes of the meeting held on 3 July 2025 were confirmed as a correct record and signed by the Chair.

17. 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.

18. AN APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCE AND REPORTS TO CONSIDER THE SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCES.

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

- An application for the grant of a Hackney Carriage Vehicle Driver's Licence. Applicant: ES (Appendix 1).
- A report to consider the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence. Licence Holder: FS (Appendix 2).
- A report to consider the suspension/revocation of a Private Hire Vehicle Driver's Licence. Licence Holder: AJ (Appendix 3).
- A report to consider the suspension/revocation of a Hackney Carriage Vehicle Driver's Licence. Licence Holder: AM (Appendix 4).

Summaries detailing the circumstances relating to each case were attached to the report at Appendices 1 to 4. In the cases of FS (Appendix 2) and AJ (Appendix 3) the Sub-Committee were provided with links to view video footage relating to the incidents described in the case summaries.

ES and AJ did not attend the meeting. Both had emailed Licensing officers to request that their cases be deferred to a later date. Copies of the email correspondence requesting the deferrals were provided to the Sub-Committee.

FS attended the meeting and was represented at the hearing by Adonis Daniel. Both addressed the Sub-Committee and asked and responded to questions.

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES 5 AUGUST 2025

AM attended the meeting and was represented at the hearing by Adonis Daniel. Both addressed the Sub-Committee and asked and responded to questions. MS attended AM's hearing as an eyewitness. MS addressed the Sub-Committee and responded to questions.

Ben Williams, RBC Licensing Team, presented the reports to the Sub-Committee and asked and responded to questions.

In reaching its decisions the Sub-Committee endeavoured throughout to strike a fair balance between the interests of the licence holders and the concerns of the Licensing Officers, but its overriding consideration was to the safeguarding of the public.

In coming to its decisions, the Sub-Committee also gave due consideration to the written material contained in the paperwork, the oral evidence provided at the meeting, and to relevant legislation, guidance and the policies of Reading Borough Council, including but not limited to:

- 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 Secretary of State's Guidance;
- The Equality Act 2010;
- Reading Borough Council's Hackney Carriage and Private Hire Vehicle Convictions Policy;
- Reading Borough Council's Hackney Carriage driver and vehicle conditions;
- Reading Borough Council's private hire driver, vehicle and operator conditions;
- All of the documents provided for the meeting, including the video footage (for appendices 2 and 3), and the additional information circulated to the Sub-Committee via email, and;
- The Fit and Proper Person Test.

Resolved –

- (1) That, having considered the applicant's request to defer, the application for a Hackney Carriage Vehicle Driver's Licence in respect of ES be determined at a future meeting of the Licensing Applications Sub-Committee to enable ES's attendance;
- (2) That, having considered the need to safeguard the public, the Sub-Committee considered it both appropriate and proportionate to suspend FS's Hackney Carriage Driver's Licence for a period of 28 days with the suspension to take effect immediately due to the issue of public safety;
- (3) That, in respect of (2) above, the following reasons be noted:
 - (a) The Sub-Committee found the most recent allegations to be serious ones as they amounted, on the face of it, to the commission of potential offences under the Road Vehicles (Construction and Use)

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES
5 AUGUST 2025

(Amendment) (No. 2) Regulations 2022 and that required immediate action;

- (b) The Sub-Committee noted that the allegation of using a mobile phone on 2 May 2025 was similar in nature to the incident of 9 May 2025;
- (c) The Sub-Committee found that FS was an experienced professional driver;
- (d) The Sub-Committee were concerned that a member of the public had seen the mobile phone being held by the driver;
- (e) The Sub-Committee considered the frequency of warnings given in a relatively short period of time prior to the most recent complaint;
- (f) The Sub-Committee were not satisfied with the explanation given in response to the complaint and how this related to the video evidence of the mobile phone being held on 2 May 2025, they did not accept that FS was simply retrieving his phone after it had slid away from him because of the way it was being held in the video footage;
- (g) The Sub-Committee considered FS's admission that, on 9 May 2025, he had been using the phone while parked and him stating that he was stationary and with the engine on and how that was a change from his initial explanation to the Licensing Officer;
- (h) The Sub-Committee were not satisfied with FS's answers about the reasons why he parked illegally but noted that some time had passed since the last incident of illegal parking;
- (i) In light of the findings above, the Sub-Committee considered the proportionate action to be a suspension as an alternative to revocation which it had strongly considered;
- (j) The Sub-Committee found FS to be a fit and proper person, but suspension for 28 days would allow FS to reinforce his knowledge of his licence conditions, the laws in relation to mobile phone use and parking laws. The Sub-Committee found that this was necessary for FS to undertake before driving;
- (k) The Sub-Committee found that a suspension period for this purpose was the best way to safeguard the public;
- (l) The period of 28 days was the shortest period that the Sub-Committee could suspend bearing in mind all the circumstances of this matter;

**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES
5 AUGUST 2025**

- (4) That, having considered the request to defer, the review of the Private Hire Vehicle Driver's Licence in respect of AJ be determined at a future meeting of the Licensing Applications Sub-Committee to enable AJ's attendance;
- (5) That, having considered the need to safeguard the public, the Sub-Committee concluded that it was appropriate and proportionate to take no action in respect of AM's Hackney Carriage Vehicle Driver's Licence;
- (6) That, in respect of (5) above, the following reasons be noted:
 - (a) The Sub-Committee found the allegation to be a serious one as it amounted, on the face of it, to the commission of an offence under the Equality Act 2010 as amended by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022;
 - (b) The Sub-Committee noted that MA's initial response was identical, in the main, to the explanation given at the hearing about what happened;
 - (c) The Sub-Committee considered the credibility of the complainant and although they could not find any reason for them to lie about what happened they also found that there was no reason for MA to refuse to accept the passenger bearing in mind he clearly knew his legal obligations and duties in relation to such passengers.
 - (d) The Sub-Committee could not find that MA had refused to take the fare but were concerned that there had been some kind of misunderstanding with the passenger;
 - (e) The Sub-Committee found that MA was a fit and proper person and that no action was required in respect of the licence;
 - (f) The Sub-Committee found that, due to the misunderstanding that had clearly taken place, MA should take care in the future to explain what he needed to do if such circumstances arose again but that no formal warning was justified.

The Chair advised those present that they would be informed of their right of appeal when they were sent a written copy of the Sub-Committee's decision.

(Exempt information as defined in paragraph 1, 2, 3 and 5)

(The meeting started at 5 pm and closed at 7.30 pm)