

**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES
4 JUNE 2024**

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

2. MINUTES

The Minutes of the meeting held on 9 May 2024 were confirmed as a correct record and signed by the chair.

3. EXCLUSION OF THE 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.

4. APPLICATIONS TO CONSIDER THE SUSPENSION/REVOCAION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES, AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS TO PRIVATE HIRE VEHICLE DRIVER'S 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 – Applicant AK (Appendix 1);
- An application to consider the suspension/revocation of a Private Hire Vehicle Driver's Licence – Appellant IM (Appendix 2);
- An appeal against the allocation of penalty points to a Private Hire Vehicle Driver's Licence – Appellant MK (Appendix 3); and
- An appeal against the allocation of penalty points to a Private Hire Vehicle Driver's Licence – Appellant YY (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.

AK attended the meeting and requested a deferral to allow his legal representative to attend the Sub-Committee.

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

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

YY was present at the meeting, addressed the Sub-Committee and responded to questions, but did not return to the meeting to hear the Sub-Committee's decision.

LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES 4 JUNE 2024

Mark Groves, 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 AK be deferred to the meeting of the Licensing Applications Sub-Committee to be held on 27 June 2024 to allow AK's legal representative the opportunity to attend the hearing.
- (2) That the Private Hire Vehicle Driver's Licence in respect of IM be revoked with effect from 21 days of formal notice being served under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and section 57 of the Council's Hackney Carriage and Private Hire Convictions Policy which stated: "Where an applicant has a conviction for any offences under any relevant hackney carriage or private hire legislation they will not be granted a licence until at least seven years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked." The Sub-Committee noted that IM had been convicted of such offences on 3 May 2024.

The Sub-Committee informed IM 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.

- (3) That the appeal against the allocation of nine penalty points to the Private Hire Vehicle driver's licence in respect of MK be partially upheld due to the Sub-Committee's finding that MK had breached the following Private Hire Driver Conditions, as detailed in the report:

**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES
4 JUNE 2024**

Condition 2.1 - You must wear, at all times when driving a private hire vehicle, one of your current private hire driver's badges issued to you. (3 penalty points)

Condition 29.2 - At any time when driving a private hire vehicle, you must not cause or permit the vehicle to be driven on or become stationary on a footway. (Two offences on the same occasion leading to 6 penalty points)

The Sub-Committee found that MK had committed one offence, not two, under Condition 29.2 and that therefore only three penalty points should be allocated.

The addition of a total of six penalty points to MK's Private Hire Vehicle Driver's Licence should stand.

- (4) That the appeal against the allocation of penalty points to the Private Hire Vehicle driver's licence in respect of YY be dismissed due to the Sub-Committee's finding that YY 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 9.1 - You must not wilfully obstruct an authorised officer of the Council or a Police constable acting under the Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause, fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act. To do so – 6 penalty points.

Condition 13.1 - You must conduct yourself in an orderly and professional manner at all times, and be civil towards your passengers, council officers, other road users and police officers. Failure to do so – 3 penalty points.

Condition 26.1 - At any time when driving a private hire vehicle, 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.

Condition 36.1 - You must display on your vehicle, at all times when you are working as a private hire driver, a roof sign in accordance with the Council's approved specification as detailed below, unless your vehicle is fitted with side identification panels in accordance with the Council's approved specification. Failure to do so – 3 penalty points.

The Sub-Committee could find no reason to uphold the appeal and therefore decided that the addition of 24 penalty points to YY's Private Hire Vehicle Driver's Licence should stand.

**LICENSING APPLICATIONS SUB-COMMITTEE MEETING MINUTES
4 JUNE 2024**

(The meeting started at 5.00 pm and closed at 7.16 pm)