

**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;

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- 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)