

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the  
**MISCELLANEOUS LICENSING SUB-COMMITTEE**  
held in Committee Room Two, Council Offices, Woodgreen, Witney, Oxon  
at 10.00 am on Wednesday 29 January 2014

PRESENT

Councillors: S J Good (Vice-Chairman – in the Chair); M Brennan; J C Cooper and E H James

21. MINUTES

**RESOLVED:** that the minutes of the meeting of the Sub-Committee held on 19 December 2013 be approved as a correct record and signed by the Chairman.

22. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from N A MacRae MBE

23. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers relating to matters to be considered at the meeting.

24. EXCLUSION OF THE PUBLIC

**RESOLVED:** That the Sub-Committee, being of the opinion that it was likely, in view of the nature of the business to be transacted, that if members of the public were present during the following items of business there would be a disclosure to them of exempt information as defined in Paragraph 1 of Schedule 12A to the Local Government Act 1972 (as amended), the public be excluded from the meeting.

25. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee received the report of the Head of Community Services, containing exempt information, seeking review of a Hackney Carriage Drivers Licence, copies of which had been circulated.

The Chairman introduced the Members of the Sub-Committee and explained the procedure that would be followed. The licence holder confirmed that he understood and was happy with the procedure.

The Licensing Officer introduced her report. The licence holder was then interviewed by the Sub-Committee and presented his case for the retention of his Taxi Driver's Licence.

He indicated that he had allowed a friend to borrow his personal vehicle for use in London for a few weeks and it was his friend who had been the driver of the vehicle at the time of the speeding offence. Having received a Notice of Intended Prosecution as the registered keeper of the vehicle he had passed this on to his friend who had assured him that he would confirm that he had been the driver. A follow-up notice had been received and his friend advised him that he had already dealt with the notification.

The Taxi Driver had then spent a period out of the country during which time notification of an impending court hearing for the offence of failing to give information as to identity of driver had been sent to his home address.

The hearing had taken place whilst the Taxi Driver was still overseas and he had been convicted of the offence in his absence in March 2013.

On his return to the UK the driver became aware of the conviction having been required to surrender his licence for endorsement.

On the advice of the Police he had accepted the endorsement and, in July of that year, had written to the convicting court seeking to have the matter re-opened.

In response to a question from Mr James, the driver advised that he had received an acknowledgement from the court indicating that his request was receiving consideration but had heard nothing further. In response to a question from Mr Cooper, the driver advised that he had a copy of his request sent to the Court by recorded delivery but was not sure if he had retained the receipt. The driver also indicated that, whilst he did not have such at present, he could obtain a statement from the person driving the vehicle at the time of the offence.

**RESOLVED:**

That consideration of the matter be deferred to the next meeting to allow the Taxi Driver the opportunity to produce the following documentation:-

- (a) A legally witnessed affidavit from the individual who had been driving the vehicle at the time of the speeding offence confirming this to be the case.
- (b) A copy of his letter to the Magistrates Court seeking to re-open the matter.
- (c) A copy of the acknowledgement of that letter sent by the court.

The public was then readmitted to the meeting and advised of the decision. The Chairman emphasised to the driver that the terms of his Taxi Drivers' Licence required him to notify the Council of any Notice of Impending Prosecution and that the Sub-Committee could have decided to take action, including the suspension of his licence, in response to his failure to do so.

The meeting closed at 10:15am

CHAIRMAN