

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 12 February 2014

PRESENT

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

26. MINUTES

RESOLVED: that the minutes of the meeting of the Sub-Committee held on 29 January 2014 be approved as a correct record and signed by the Chairman.

27. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from N A MacRae MBE

28. DECLARATIONS OF INTEREST

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

29. 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.

30. 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.

Members were advised that the licence holder had telephoned Officers the previous day indicating that a family bereavement precluded his attendance at the meeting. Having been invited to provide copies of the documentation requested by Members at the last meeting, the licence holder had submitted an email purported to be from the individual who had been driving the vehicle at the time that the speeding offence had taken place. A copy of the email was circulated at the meeting.

The Chairman enquired whether it would be in order for the matter to be considered and determined in the licence holder's absence and it was explained that, as the licence holder had been given the opportunity to submit the documentation requested, that being:-

- (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.

and there being no other matters outstanding, the Sub-Committee was at liberty to determine the matter.

Having considered the evidence provided by the licence holder at the previous meeting and the content of the email circulated at the meeting the Sub-Committee:-

RESOLVED: That, having regard to the number of penalty points current on the DVLA Driving Licence, and his failure to advise the Council of the endorsement of the licence in relation to the offence that took place on 23 July 2012 in accordance with the conditions of his Taxi Drivers Licence the Hackney Carriage Driver's Licence be suspended for a period of five days. Further, that having regard to his failure to provide the documentation requested by the Sub-Committee at its last meeting, the Hackney Carriage Driver's Licence be suspended for an additional five day period to run consecutively.

26. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee received the report of the Head of Community Services, containing exempt information, regarding an application for 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 applicant confirmed that he understood and was happy with the procedure. The Licensing Officer then presented her report.

The applicant was then interviewed by the Sub-Committee and presented his case for the issue of a Driver's Licence. He acknowledged the duty of care owed by a professional driver both to his passengers the public at large and provided details of circumstances relating to the endorsements on his driving licence. He noted that the first endorsement was to lapse shortly but explained that he wished to commence work as a taxi driver as soon as possible.

RESOLVED: That, in view of the evidence offered by the applicant, a Taxi Driver's Licence be granted subject to the applicant providing a satisfactory Medical Certificate and Disclosure Barring Service Check.

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

The meeting closed at 10:20am

CHAIRMAN