

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 26 March 2014

PRESENT

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

32. MINUTES

RESOLVED: that the minutes of the meeting of the Sub-Committee held on 12 February 2014 be approved as a correct record and signed by the Chairman.

33. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from N A MacRae MBE

34. DECLARATIONS OF INTEREST

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

35. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE TESTING REQUIREMENTS AND DRIVER MEDICAL POLICY

The report of the Head of Community Services setting out proposals for the review of the Council's hackney carriage and private hire vehicle testing requirements and driver medical policy was received and considered.

RESOLVED: that the proposed vehicle testing requirements and driver medical examination policy as outlined in Appendix A to the report be adopted.

36. REVIEW OF THE HACKNEY CARRIAGE FARE TABLE

The report of the Head of Community Services giving details of a request for an increase in fares and charges payable in connection with the hiring of a Hackney Carriage vehicle was received and considered.

The Licensing Officer advised that a petition of 30 signatures had been submitted in support of the requested fare increase and that one proprietor had expressed their opposition in a telephone conversation.

Mr Good questioned whether an increase at this juncture could prove counter-productive given the reported downturn in the local night time economy. In response, Mr Griffiths, a member of the West Oxfordshire Consortium, indicated that the fare table represented a maximum level of fares and, whilst proprietors might choose to charge below that rate, they wished to have the flexibility to charge at a level that reflected the increase in operating costs that had taken place since the current fare table was set in 2007. Mr Griffiths went on to suggest that the Council adopt some form of annual indexation of fares but was advised that legislative constraints surrounding the process precluded such arrangements.

Mr Brennan expressed surprise that a request for a fare increase had not been received sooner and the Principal Community Safety and Licensing Officer undertook to refine consultative arrangements with representatives of the trade through which future requests could be considered.

RESOLVED: that, subject to the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the fare table set out as Appendix B to the report be adopted, the fares set out therein being the maximum which may be charged

37. 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.

38. 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 and advised that satisfactory Disclosure and Barring Service, Driver and Vehicle Licensing Agency and Medical checks had been received.

The applicant was then interviewed by the Sub-Committee and presented his case for the issue of a Driver's Licence. He provided details of circumstances relating to the endorsements on his driving licence and acknowledged the duty of care owed by a professional driver both to his passengers the public at large.

RESOLVED: That, in view of the evidence offered by the applicant, a Taxi Driver's Licence be granted.

The public was then readmitted to the meeting and advised of the decision. In response to a question from the Chairman, the applicant indicated that he was aware 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.

39. 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 applicant confirmed that he understood and was happy with the procedure.

The Licensing Officer then presented her report and advised that the applicant had notified the Council of receipt of the Notice of Impending Prosecution as required under the terms of his licence. She also made reference to the letter giving details of circumstances relating to the endorsements of his driving licence, copies of which were circulated at the meeting.

The applicant was then interviewed by the Sub-Committee and presented his case for the retention of a Driver's Licence.

The Chairman indicated that it was the Council's duty to satisfy itself that any licence holder was a fit and proper person in order to ensure the safety of the travelling public. He stressed that exceeding the speed limit was dangerous and emphasised that, as professional drivers, the highest standards were expected from licence holders.

RESOLVED: That, having regard to the number of penalty points current on the DVLA Driving Licence, the Hackney Carriage Driver's Licence be suspended for a period of five days.

The public was then readmitted to the meeting and, in advising the driver of the decision, the Chairman indicated that the period of suspension would have been greater if the Council had not been notified of the offences.

40. 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 applicant confirmed that he understood and was happy with the procedure.

The Licensing Officer then presented her report and advised that the applicant had failed to notify the Council of the offences as required under the terms of his licence.

The applicant was then interviewed by the Sub-Committee and presented his case for the retention of a Driver's Licence.

In response to a question from the Chairman, the licence holder advised that he had failed to notify the Council of the offences as he had not recalled the requirement to do so and had been aware that they would be considered when he submitted his application for the renewal of his licence.

RESOLVED: That, having regard to the number of penalty points current on the DVLA Driving Licence, the Hackney Carriage Driver's Licence be suspended for a period of five days. Further, that having regard to his failure to notify the Council of the offences as required under the terms of his licence, the Hackney Carriage Driver's Licence be suspended for an additional two day period to run consecutively.

The public was then readmitted to the meeting and, in advising the driver of the decision, the Chairman emphasised that, as professional drivers, the highest standards were expected from licence holders.

41. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee received the report of the Head of Community Services, containing exempt information, seeking review of a Private Hire 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 and advised that the applicant had failed to notify the Council of the offences as required under the terms of his licence. She also made reference to the Notices of intended Prosecution provided by the licence holder, copies of which had been circulated at the meeting.

The applicant was then interviewed by the Sub-Committee and presented his case for the retention of a Driver's Licence.

The licence holder advised that he had failed to notify the Council of the offences as he had been preoccupied with family matters. When questioned as to the circumstances relating to the endorsements of his driving licence the licence holder was unable to recall either in any detail.

In the absence of any detail as to the circumstances of the offences, Members of the Sub-Committee considered that they were unable to determine the matter and:-

RESOLVED: That consideration of the matter be deferred to the next meeting of the Sub-Committee and the licence holder's employer be requested to accompany him at the meeting to assist in the presentation of his case for the retention of a Driver's Licence.

The meeting closed at 11:35am

CHAIRMAN