

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 11.00 am on Friday 20 June 2014

PRESENT

Councillors: N A MacRae MBE (Chairman) S J Good (Vice-Chairman) E H James and G Saul

4. MINUTES

RESOLVED: that the minutes of the meetings of the Sub-Committee held on 26 March and 4 June 2014 be approved as correct records and signed by the Chairman.

5. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr M Brennan

6. DECLARATIONS OF INTEREST

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

7. 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.

8. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVERS LICENCE

The Sub-Committee received the report of the Shared Head of Public Protection containing exempt information regarding an application for 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 introduced her report. The applicant was then interviewed by the Sub-Committee and presented his case for the grant of a Private Hire Driver's Licence.

The applicant apologised for his failure to disclose relevant details when making his application, explaining that this had been an oversight on his part. He advised that it had not been his intention to conceal this information deliberately and noted that there was no advantage in his seeking to do so given that the Council conducted its own checks with the Disclosure and Barring Service and the DVLA.

The applicant went on to give details of the offences and to respond to Members' questions.

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

The public was then readmitted to the meeting and, in advising the applicant of the decision, the Chairman emphasised that any future actions resulting in an appearance before the Sub-Committee or failure to comply fully with its terms would jeopardise his retention of a licence.

9. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee received the report of the Shared Head of Public Protection containing exempt information seeking a 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 advised that his failure to disclose all relevant details when submitting his application for a licence had been an oversight resulting in part from the differences in which West Oxfordshire and Cherwell District Council's dealt with applications. He explained that he had completed his application form prior to his arrest but has not signed and submitted it until after that date having failed to check or amend it.

In response to a question from the Chairman the driver indicated that he had not advised the Council's Officers that he had subsequently been charged with an offence as he believed that they were already aware of this. He contended that the accusations made against him were false and had been made by another taxi company prompted by commercial rivalry.

Having considered the report and the submission made by the licence holder at the meeting the Sub-Committee concluded that, in view of his failure to disclose on the application form signed on 23rd December 2013 that he had been arrested on 3rd December 2013 and at that time was on Police Bail for Racially/Religiously Aggravated Harassment/Stalking, the serious nature of the alleged offence and his subsequent failure to advise the Council that he had been charged with harassment on 6th June 2014 as required under the terms of the licence, the applicant was not a fit and proper person to hold a Hackney Carriage Licence with this Authority. Consequently, it was:-

RESOLVED: That, the Hackney Carriage Drivers Licence be revoked as the Sub-Committee did not consider that the driver had demonstrated that he was a fit and proper person to hold a licence.

The public was then readmitted to the meeting and advised of the decision.

The meeting closed at 11:35am

CHAIRMAN