

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 10.15am on Monday 9 March 2015

PRESENT

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

41. MINUTES

RESOLVED: that the minutes of the meeting of the Sub-Committee held on 29 January 2015 be approved as a correct record and signed by the Chairman.

42. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

43. DECLARATIONS OF INTEREST

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

44. PARTICIPATION OF THE PUBLIC

There was no public participation.

45. REVIEW OF STREET TRADING CONTROLS IN WEST OXFORDSHIRE

The report of the Shared Head of Public Protection and Regulation regarding the Council's proposals for the amendment of Street Trading Controls in West Oxfordshire was received and considered.

The Council's Licensing Officer confirmed that no representations had been received during the consultation period and that the Thames Valley Police and Oxfordshire County Council had raised no objections.

RESOLVED: That, in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, with effect from 1 May 2015 those streets specified at Appendix A be designated as prohibited streets (in addition to the prohibited streets already designated by the Council) including all forecourts, roads, footways or other areas adjacent to the streets referred to in this resolution for a distance of 10 metres from the edge of the adopted highway and that those streets specified in Appendix B including all forecourts, roads, footways or other areas adjacent to the streets for a distance of 10 metres from the edge of the adopted highway shall for the purposes of the Act be designated as consent streets (in addition to the consent streets already designated by the Council).

46. 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 item 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, the public be excluded from the meeting.

47. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee received and considered the report of the Shared Head of Public Protection containing exempt information regarding an application for a Hackney Carriage Drivers Licence, copies of which had been circulated.

The Licensing Officer introduced her report and advised that a DVLA check had been received confirming the endorsements as shown on the applicant's driving licence. The outcome of the Disclosure and Barring Service check was still awaited.

The driver, accompanied by his father, was then interviewed by the Sub-Committee.

The Chairman made reference to the statement made by the applicant that 'as the manager of the business, he took responsibility to take the points as this would have a negative effect on both his father's taxi businesses i.e. insurances etc.' and questioned why he had chosen to accept the points when he had not been the driver.

In response, the applicant advised that there was no record of who had been driving the vehicle at the time of the offence so, as the manager of the business, he had taken responsibility.

The Chairman noted that the applicant had indicated that he had lodged an appeal against the conviction but that this had been unsuccessful. He enquired as to the action taken by the applicant to identify the driver responsible. The applicant advised that he had endeavoured to contact the drivers employed at that time by telephone but, as a number were no longer employed by the business, had been unable to establish who had been driving at the time of the offence.

At this point the Sub-Committee withdrew to consider the information provided by the applicant to date. It was considered that insufficient information had been provided to proceed to a determination of the application and it was therefore:-

RESOLVED: that consideration of the application be deferred to enable officers to conduct further investigations into the circumstances of the offences and the appeal lodged by the applicant.

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

48. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee received and considered the report of the Shared Head of Public Protection containing exempt information regarding the review of a Hackney Carriage Drivers Licence, copies of which had been circulated.

The Licensing Officer introduced her report and outlined details of the endorsements. She went on to advise that the driver had failed to notify the Council of the impending prosecution in respect of the offence which took place on 22 April 2014, nor of his conviction for that offence on 18 November 2014 as required under the terms of his licence. Further, he failed to disclose the offence in his application for the renewal of his licence submitted on 27 January 2015, and had not responded to requests from the Council's Officers for information regarding the circumstances of the offence.

The driver was then interviewed by the Sub-Committee.

Asked why he had failed to disclose the offence on his application for renewal the driver initially indicated that he thought that his conviction would be self-evident from the endorsement of his driver's licence and that he believed that the requirement of disclosure did not relate to driving offences. The Chairman indicated

that it was clear from both the licence documentation and the application form that all offences, including driving offences, had to be disclosed.

The applicant then indicated that he had not completed the form himself but had signed a copy prepared for him by a friend without checking its accuracy adequately as he was under stress and suffering from depression.

When asked why he had failed to respond to the Officers' enquiries, the driver stated that he was under pressure in his personal life. Whilst this did not impact upon his fitness to drive, he had not done a great deal of driving work recently.

Having considered the report and the evidence given by the applicant, and their representative, the Sub-Committee:

RESOLVED: that, in view of his failure to notify the Council of both the impending prosecution in respect of the offence which took place on 22 April 2014, and of his subsequent conviction for that offence on 18 November as required under the terms of his licence and having regard to his persistent failure to respond to enquiries from the Council's Officers, the driver's Hackney Carriage Licence be suspended for a period of six weeks.

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

49. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee received and considered the report of the Shared Head of Public Protection containing exempt information regarding the review of a Hackney Carriage Drivers Licence, copies of which had been circulated.

The Licensing Officer introduced her report and details of the endorsements were outlined.

The driver was then interviewed by the Sub-Committee and the driver presented the case for the retention of a licence, and provided details of the circumstances relating to the endorsements on the driving licence.

Having considered the report and the evidence given by the applicant the Sub-Committee:

RESOLVED: That, in view of the evidence submitted by the driver and the fact that they had complied fully with their licence requirements, their Hackney Carriage Driver's Licence be not suspended or revoked but that they be required to re-take the Council's 'knowledge test' at the next scheduled opportunity.

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

The meeting closed at 10:45am

CHAIRMAN