

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 10.00am on Friday 22 January 2016

PRESENT

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

Also in attendance: G H L Wall

45. MINUTES

RESOLVED: that the minutes of the meeting of the Sub-Committee held on 15 December 2015 be approved as a correct record and signed by the Chairman.

46. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

47. DECLARATIONS OF INTEREST

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

48. PARTICIPATION OF THE PUBLIC

No submissions were received from the public in accordance with the Council's Rules of Procedure.

49. ORDER OF BUSINESS

In order to assist the applicants present, the Chairman of the Sub-Committee decided to deal with the applications in the order set out below.

50. 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.

51. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee received and considered the report of the Shared Head of Public Protection and Regulation 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 outlined the details of the endorsement of the applicant's licence.

The applicant was then interviewed by the Sub-Committee, presenting his case for the grant of a licence and providing details of the circumstances relating to the endorsement of his driving licence. He explained that he was unaware that his vehicle had been uninsured, his insurance having been terminated without notification as there had been insufficient funds in his bank account to meet an instalment paid by direct debit.

The applicant advised that he had been unable to attend the consequent hearing at the Magistrates Court as he had been out of the country visiting a sick relative.

It was noted that the applicant had failed to declare the offence when submitting the application. The applicant explained that he had made an error in completing the form and had subsequently advised the Council of the offence.

Members were firmly of the view that it was the driver's responsibility to ensure that his vehicle was insured and expressed their concern at the potential consequences of such a lapse by the driver of a licensed vehicle. Having considered the report and the evidence given by the driver the Sub-Committee concluded that the applicant was not a fit and proper person to hold a hackney carriage drivers licence and:

RESOLVED: That, having regard to the failure of the applicant to ensure that his vehicle was properly insured and in the absence of any evidence to warrant the grant of a Taxi Driver's Licence, the application be refused.

The public was then readmitted to the meeting and, in advising the applicant of the decision, the Chairman emphasised the high standards expected of those licensed by the Authority. By failing to ensure that his vehicle was properly insured, the applicant had failed to demonstrate the ability to meet these and, in consequence, was not considered to be a fit and proper person to hold a Hackney Carriage Drivers Licence.

(Mr M Brennan joined the meeting at this juncture)

52. APPLICATION FOR A STREET TRADING CONSENT – WELCH WAY, WITNEY

The Sub-Committee received and considered the report of the Public Protection Manager regarding an application for a street trading consent in Welch Way, Witney. The Licensing Officer explained that the application had been brought before members as the hours of operation sought were in excess of the permitted hours allowed within the Council's Street Trading Policy.

The applicant was then interviewed by the Sub-Committee and put forward his case for the grant of a street trading consent. He indicated that the town was expanding and there was little provision for late night refreshment in that part of the town. He noted that a number of premises operated to the hours he had applied for in other parts of the town and went on to explain that he was seeking to find an alternative location from which to operate his business as the existing site from which he operated was scheduled for redevelopment.

The Sub-Committee then retired to consider its decision.

Having considered the report and the evidence presented at the meeting it was:

RESOLVED: That, in the absence of any evidence to warrant a departure from the Council's Licensing Policy, the application for a Street Trading Consent be refused.

53. APPLICATION FOR A STREET TRADING CONSENT – MARKET PLACE, CHIPPING NORTON

The Sub-Committee received and considered the report of the Public Protection Manager regarding an application for a street trading consent in Market Place, Chipping Norton. The Licensing Officer explained that the application had been brought before members as the trading area proposed was in excess of the maximum area permitted under the Council's Street Trading Policy. She advised that, in addition to the consultation responses detailed in the report, the Chipping Norton Town Council had expressed its support for the application but had failed to respond within the consultation period.

Members noted that the applicant had been notified of the meeting and invited to attend to put his case for the grant of a licence but was not in attendance.

Mr Guy Wall, one of the local representatives for Chipping Norton then addressed the meeting and expressed his support for the application, indicating that the business was well liked and supported within the town.

Members acknowledged that the applicant's business was well supported in the town and noted that, in the location proposed; a stall in excess of the maximum size permitted under the Street Trading Policy would not have any adverse impact upon the safety and convenience of other users of the highway.

In considering the question of an appropriate fee, the Council's Principal Solicitor advised that, under Paragraph 9 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 the Council could charge such fees as they consider reasonable for the grant or renewal of a Street Trading Consent. In considering whether any additional fee was appropriate in this instance given that the applicant was seeking to occupy an area in excess of that permitted by the Council's policy Members should be aware that any additional fee must be justified in this respect.

Members also expressed their concern that the applicant's behaviour towards the Council's Officers had been unacceptable on occasion and that any future behaviour of this nature would be considered seriously by the Sub-Committee.

The Sub-Committee then retired to consider its decision.

Having considered the report and the evidence presented at the meeting it was:

RESOLVED:

- (a) That the application for a Street Trading Consent be permitted as submitted at a fee of £3,500 per annum, the outstanding balance to be paid within 14 days of notification of the decision.
- (b) That the applicant be advised that any further unacceptable behaviour will be referred to the Miscellaneous Licensing Sub-Committee to give consideration to the imposition of appropriate sanctions.

The meeting closed at 10:50am

CHAIRMAN