

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 Wednesday 16 March 2016

PRESENT

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

54. MINUTES

**RESOLVED:** that the minutes of the meeting of the Sub-Committee held on 22 January 2016 be approved as a correct record and signed by the Chairman.

55. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr M Brennan.

56. DECLARATIONS OF INTEREST

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

57. PARTICIPATION OF THE PUBLIC

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

58. 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 size of the stall was in excess of that allowed within the Council's Street Trading Policy.

The applicants were then interviewed by the Sub-Committee and put forward their case for the grant of a street trading consent. The Chairman reminded the applicants that, when their previous application had been considered by the Sub-Committee in October 2015, consent had been granted for one year only as Members had concerns over the size of the unit and had encouraged the applicants to look at alternative types of unit for future years.

In response, the applicants advised that they had considered alternative units but had found the cost of these to be prohibitive. They emphasised that they had a long history of trading in the town during which time the size of their stall had not been problematic or given rise to complaints.

The applicants indicated that they had been given an assurance by Officers at the time the Council was considering the introduction of its street trading regime that, whilst it would preclude unrestricted trading, it would not impact upon their operation.

They went on to suggest that a business such as theirs would not be financially viable if constrained to operate within a trading area of 9 sq. m and advised that they would find it preferable to pay a larger fee than face a reduction in the size of their stall

Members recognised that the applicants had endeavoured to identify alternative units and noted that the stall had operated in its current location in 2015 without complaint.

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 £1,000, the outstanding balance to be paid within 14 days of notification of the decision.
- (b) That the Public Protection Manager be authorised to approve future applications provided that the current details remain unchanged.

59. 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.

60. REVIEW OF A PRIVATE HIRE 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 Private Hire Drivers Licence, copies of which had been circulated.

The Licensing Officer introduced the 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 retention of his licence and providing details of the circumstances relating to the endorsement of his driving licence.

**RESOLVED:** That, having regard to the report and the evidence presented at the meeting, no further action be taken at this juncture.

The public was then readmitted to the meeting and, in advising the licence holder of the decision, the Chairman emphasised the high standards expected of those licensed by the Authority. Whilst the Sub-Committee had decided to take no further action on this occasion, he cautioned that any other endorsements incurred by the licence holder would be viewed seriously and could give rise to the suspension or revocation of his Private Hire Drivers Licence.

The meeting closed at 10:35am

CHAIRMAN