

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 6 September 2016

PRESENT

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

17. MINUTES

RESOLVED: that the minutes of the meeting of the Sub-Committee held on 17 August 2016 be approved as a correct record and signed by the Chairman.

18. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr E H James.

19. DECLARATIONS OF INTEREST

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

20. PARTICIPATION OF THE PUBLIC

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

21. REVIEW OF A HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee received and considered the report of the Group Manager of Environmental and Regulatory Services containing exempt information regarding the review of a Hackney Drivers Licence, copies of which had been circulated.

The Licensing Officer introduced the report and the Council's Legal Advisor reminded Members that it was the role of the Sub-Committee to consider and determine whether, in view of the information contained within the report and that provided at the meeting, the licence holder remained a fit and proper person to hold a Hackney Carriage Driver's Licence.

The driver was then interviewed by the Sub-Committee. The Chairman summarised the chronology of events set out in the report and the driver's DVLA Licence Summary. He made specific reference to the letter sent to the driver by her solicitor on 2 March 2016 and asked the driver to explain why she had failed to notify the Council that her driving record had been endorsed with a further 3 penalty points following her appearance before the Banbury Magistrates Court on 29 February.

In response, the driver maintained that she had not understood that her licence had been endorsed. The Chairman emphasised that the letter from the driver's solicitor had made this clear. Furthermore, by pleading that disqualification under the 'totting up procedure' would give rise to exceptional hardship, the driver could not have failed to be aware of the further endorsement.

When invited to offer evidence as to why she remained a fit and proper person to hold a Hackney Carriage Driver's Licence, the driver advised that she had never received any complaints from customers and assured the Sub-Committee that she would never act in such a way as to endanger passengers.

The Chairman enquired whether the driver had made her insurance company aware of her driving record she advised that her husband dealt with insurance on her behalf.

In conclusion, the driver reiterated that she had not been aware of the latest endorsement of her licence.

The Sub-Committee then withdrew to determine the application and following discussion it was:-

RESOLVED: That, in view of the failure to notify the Council of the impending court proceedings and subsequent conviction for the latest driving offence as required by the terms of the licence, the failure to declare that offence when applying for the renewal of the taxi driver's licence and the number of endorsements of the driving licence, the Hackney Carriage Drivers Licence be revoked with immediate effect.

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

The meeting closed at 10:15am

CHAIRMAN