

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 29 August 2017

PRESENT

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

23. MINUTES

**RESOLVED:** that the minutes of the meeting of the Sub-Committee held on 25 July 2017 be approved as a correct record and signed by the Chairman.

24. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

25. DECLARATIONS OF INTEREST

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

26. PARTICIPATION OF THE PUBLIC

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

27. 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 Part 1 of Schedule 12A to the Local Government Act 1972 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)), the public be excluded from the meeting.

28. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee received and considered the report of the Group Manager of Environmental and Regulatory Services regarding the review of a Hackney Carriage Driver's Licence.

The Licensing Officer introduced the report setting out the action taken by Officers in response to the information revealed by the recent Disclosure and Barring Service check, explaining that the applicant's Hackney Carriage Drivers Licence had been suspended following his failure to disclose his conviction on 6 April 2017.

She advised Members that the applicant had held a licence with the Council since 2008 and that no complaints had been received regarding his conduct during that time.

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. He emphasised that the only relevant matters under consideration were the applicant's conviction on 6 April, 2017 and his failure to notify the Council of either the impending prosecution or the subsequent conviction as required under the terms of his licence.

The licence holder was then interviewed by the Sub-Committee and put forward his case for the retention of a licence. He apologised for failing to notify the Council of his conviction, indicating that he had believed the requirement to do so related to motoring offences only.

The applicant sought to elucidate the background to the conviction but the Chairman explained that earlier issues regarding what appeared to be a long standing dispute had been considered and addressed on a previous occasion. He reiterated that the conviction of 6 April, 2017, was the only relevant consideration before the meeting.

The licence holder acknowledged the point and concluded by stressing that he had operated as a hackney carriage driver without complaint since 2008,

The Sub-Committee then withdrew to determine the application. Members noted that the driver's conviction was not directly related to his employment as a Hackney Carriage Driver and, having considered the report and the evidence given by the applicant:-

**RESOLVED:** that, having regard to his failure to notify the Council of either the impending prosecution or the subsequent conviction as required under the terms of his licence the licence holder's Hackney Carriage Drivers Licence be suspended for a period of 21 days, such period to be back-dated to commence on 8 August 2017 and that his licence be reinstated with immediate effect.

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

The meeting closed at 10:20am

CHAIRMAN