

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 12 noon on Thursday 5 October 2017

PRESENT

Councillors: N A MacRae MBE (Chairman); J C Cooper and E H James.

34. MINUTES

**RESOLVED:** that the minutes of the meeting of the Sub-Committee held on 12 September 2017 be approved as a correct record and signed by the Chairman.

35. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Messrs M Brennan and S J Good (Vice-Chairman).

36. DECLARATIONS OF INTEREST

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

37. PARTICIPATION OF THE PUBLIC

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

38. 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 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.

39. 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 light of the fact that the driver had not renewed their Disclosure and Barring Service (DBS) check. This had led to the eventual suspension of the driver's licence, following which the driver had failed to return their driver badge, and had subsequently advised that it had been lost.

The licence holder was then interviewed by the Sub-Committee and put forward their case for the retention of a licence, explaining their perception of what had occurred, including personal circumstances, and stating that they had not actually driven a hackney carriage for a period in excess of one year.

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 Sub-Committee then withdrew to determine the application. Members did not consider that it was appropriate in all the circumstances for the licence to be revoked, and noted that the current suspension would remain in force pending the completion of the current DBS checking process.

Having considered the report, as explained and supplemented by the Licensing Officer, and the evidence given by the driver, the Sub-Committee -

**RESOLVED:** That the driver be advised that (i) the requirement to return a badge in the event of suspension was both statutory and important, and that it was their responsibility to keep their documentation in a secure location; (ii) the DBS check was an integral part of the licensing process in respect of which prompt attention was required when necessary; and (iii) the Sub-Committee would not wish to see any future repeat of the issues which had arisen.

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

The meeting closed at 12:35 pm

CHAIRMAN