

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the  
**MISCELLANEOUS LICENSING SUB-COMMITTEE**

held in the Committee Room Two, Council Offices, Woodgreen, Witney, Oxon  
at 10:00am on Friday 1 June 2018

PRESENT

Councillors: S J Good (Vice-Chairman – in the Chair) D N Jackson and G Saul

4. CHAIRMAN'S REMARKS

The Chairman welcomed Councillor Jackson, the recently elected representative for The Bartons Ward, to the Sub-Committee.

5. MINUTES

**RESOLVED:** that the minutes of the meetings of the Sub-Committee held on 1 and 16 May 2018 be approved as correct records and signed by the Chairman.

6. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from N A MacRae and E H James.

7. DECLARATIONS OF INTEREST

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

8. PARTICIPATION OF THE PUBLIC

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

9. REVIEW OF TAXI AND PRIVATE HIRE LICENSING FEES

The Sub-Committee received and considered the report of the Group Manager of Professional Services which sought consideration of revised taxi and private hire licensing fees in light of the cost recovery exercise that had taken place regarding licence fees in West Oxfordshire.

The Licensing Officer advised that the revised fees proposed reflected the costs to the Council in operating the Hackney Carriage and Private Hire Licensing regime.

She explained that, in order to comply with legislative requirements, further public consultation regarding the proposed variation in fees for vehicle and operators' licences was required and any further objections received considered.

Mr Saul noted that the proposed increase in fees appeared to be significant and enquired whether fees in West Oxfordshire had been low in comparison with other authorities. In response, the Licensing Officer advised that, whilst the proposed increase would bring the Council's fees in line with those of Cotswold and Forest of Dean District Council, they remained lower than those charged by the other Oxfordshire authorities.

The Licensing Officer also indicated that West Oxfordshire had not reviewed its fees to take account of the extended licence periods permitted in 2014 and confirmed that the proposed fees were set at a 'break-even' level.

Mr Good noted that only one objection had been received which related to the fee for a Private Hire Operators' Licence. Whilst the proposed increase might appear high as a percentage, a fee of £400 for a five year licence was not significant as a business expense in financial terms. The Council's Legal Advisor reminded Members that licences could be issued for a one year period and that other terms could be considered on an individual basis. The Licensing Officer emphasised that it was also proposed to reduce fees for vehicle licences.

**RESOLVED:** That the Council be recommended:-

- (a) to approve the revised fees for Hackney Carriage and Private Hire Drivers' Licences and;
- (b) to approve the revised fees for Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences, subject to no further objections being raised during the public consultation period.

10. PROPOSED AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Sub-Committee received and considered the report of the Group Manager of Professional Services regarding a proposed amendment to Annex 3 of the Council's Hackney Carriage and Private Hire Licensing Policy.

The Licensing Officer explained that the proposed amendment was necessary to make it clear that applicants were required to achieve a minimum of 80% in each section of the Council's 'Knowledge Test', not as an aggregated score.

Members expressed their support for the recommendation and Mr Good indicated that standards had improved as a result of the introduction of the test.

**RESOLVED:** That the proposed amendment to Annex 3 of the Hackney Carriage and Private Hire Licensing Policy as set out in the report be approved.

11. 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.

12. REVIEW OF A DUAL DRIVERS' LICENCE

The Sub-Committee received and considered the report of the Group Manager of Professional Services regarding the review of a Dual Drivers' Licence.

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 Driver's Licence.

The driver was then interviewed by the Sub-Committee and presented his case for the retention of a licence, providing details of the circumstances relating to the endorsements on his driving 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, although consideration was given to suspending the licence. Having considered the report and the evidence given by the driver, the Sub-Committee:-

**RESOLVED:** That, in view of the evidence submitted by the driver, a formal written warning be issued.

The public was then readmitted to the meeting. The Council's Legal Advisor informed the applicant of the sanctions that were available to the Sub-Committee and, in advising the applicant of the decision, the Chairman stressed that the Sub-Committee had given serious consideration to imposing a period of suspension.

He reminded the applicant of the standards expected of a professional driver by the Council and cautioned him against accruing any further penalty points which would jeopardise his livelihood.

13. REQUEST FOR AN EXTENSION OF TIME FOR THE SUBMISSION OF A MEDICAL REPORT.

The Sub-Committee received and considered the report of the Group Manager of Professional Services regarding a request for an extension of the time for the submission of a medical report

The Licensing Officer advised that the driver had asked that his request be determined in his absence and the Council's Legal Advisor reminded Members that medical fitness was a factor in determining whether a licence holder remained a 'fit and proper person' to hold a Driver's Licence.

Members noted that, whilst only providing guidance, the Council's Policy followed that of the DVLA in this respect.

Having considered the information provided, Members saw no evidence to warrant a departure from the Council's Policy and:-

**RESOLVED:** That the request for an extension of the time for the submission of a medical report be refused.

The meeting closed at 10:45am

CHAIRMAN