

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 10:30am on Friday 15 February 2019

PRESENT

Councillors: Norman MacRae MBE (Chairman), Steve Good (Vice-Chairman)
Dave Jackson and Geoff Saul

21. MINUTES

RESOLVED: that the minutes of the meeting held on 15 January 2019 be approved as a correct record and signed by the Chairman.

22. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillor Ed James.

23. DECLARATIONS OF INTEREST

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

24. PARTICIPATION OF THE PUBLIC

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

25. 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.

26. REVIEW OF HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee received and considered the report of the Group Manager of Professional Services regarding the review of two Hackney Carriage Drivers Licences.

The Licensing Officer introduced the report and gave details of the complaint made by a local resident regarding an alleged breach of the Equality Act 2010 in relation to an enquiry into the cost of booking a wheelchair accessible vehicle for a journey within the District.

The Council's Legal Advisor outlined the provisions of Section 165 of the Equality Act 2010 and, in particular, the provisions of Section 165(4)(b) which precluded operators from making any additional charge for carrying a disabled person while in a wheelchair. She 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 holders remained fit and proper persons to hold Hackney Carriage Drivers Licences.

The drivers were then each interviewed independently by the Sub-Committee and presented the case for the retention of their licences.

The Sub-Committee then withdrew to determine the application and, having considered the report and the evidence given by the drivers, the Sub-Committee:-

RESOLVED: That, having regard to the valuable service provided by the business in a predominantly rural area and in view of the evidence submitted by the drivers, their Hackney Carriage Drivers Licences be not suspended or revoked but that they each be issued with a written warning in the strongest terms reiterating the relevant requirements of the Equality Act and the requirement to adhere to the Council's Fare Table when operating within the District.

The public was then readmitted to the meeting and, in advising the drivers of the decision, the Chairman acknowledged the valuable service provided by their business but emphasised that it was imperative that they complied fully with legislative requirements.

The meeting closed at 11:15am

CHAIRMAN