

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 Thursday 27 June 2019

PRESENT

Councillors: Norman MacRae MBE (Chairman), Dave Jackson, Ed James and Geoff Saul.

4. MINUTES

RESOLVED: that the minutes of the meetings held on 25 April and 15 May 2019 be approved as correct records and signed by the Chairman.

5. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies were received from Councillor Steve Good (Vice-Chairman).

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. PARTICIPATION OF THE PUBLIC

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

8. 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 paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information relating to any individual / Information which is likely to reveal the identity of an individual) the public be excluded from the meeting.

9. REVIEW OF A HACKNEY CARRIAGE DRIVERS LICENCES

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

The Licensing Officer outlined the report and advised that the applicant worked as a Hackney Carriage Driver with West Oxfordshire District Council (WODC). The applicant also held an Oxfordshire County Council (OCC) Transport County driver badge for Castle Cars (Banbury) valid until May 2020.

The applicant had submitted a renewal application on 19 March 2019 and this was subsequently renewed from 1 April 2019.

The applicant did not live in the West Oxfordshire area and had failed to complete the section of the application form which asked for clarity as to where the driver would undertake the majority of his work. When asked for clarification, the applicant stated that he worked for Cotswold Travel in Banbury.

The report explained that Cherwell District Council had advised officers that Cotswold Travel was not a licensed Private Hire Operator business and the owner had been advised to cease trading with immediate effect.

The Licensing Officer had repeatedly asked the applicant to supply evidence that he was undertaking work in the West Oxfordshire area but this had failed to materialise. Officers subsequently received a reference from Castle Cars in Banbury and a copy of this was included with the report.

The report asked Members to decide whether the applicant was a fit and proper person to hold a Hackney Carriage / Private Hire Drivers licence.

The Chairman checked with the applicant that he had received the papers and had read and understood them. He confirmed this. Following a question from the Chairman, officers confirmed that they had struggled to receive documents from the applicant despite a number of requests. Officers also confirmed that they had been aware of the criminal matters referred to in the statement from Cherwell District Council.

Councillor MacRae invited the applicant to speak and explain why he had continued to take bookings for Cotswold Travel, when he had known they were not a licensed Private Hire Operator.

The applicant explained that he worked mainly as a Hackney Carriage driver and collected fares from various areas of the District including Soho Farmhouse. He would accept bookings as they became available and had not been aware that he had to keep a log of his journeys as a hackney carriage driver. However, since becoming aware of the officer's request, he had started to keep a log of fares on his phone.

With reference to Cotswold Travel operating without a license, the applicant stated that the owner was inexperienced and he had advised him to take down the adverts immediately. The company was only created in December 2018. With regard to the telephone call from an officer to Cotswold Travel trying to make a booking after being advised to cease trading, the applicant denied that they had spoken to him.

The applicant felt it was difficult to keep a log as a hackney carriage driver as he would go where the demand was. He stated that he knew his market well and had a good customer base.

Following a question from Councillor Saul, the applicant stated that he rarely attended Castle Cars and had formed Cotswold Travel because he recognised the demand for travel in the area. He had text messages on his phone proving recent bookings but there was no regulation that stipulated he had to keep a log. He had been looking at premises in Chipping Norton to base Cotswold Travel from.

Councillor James queried why he had been unable to provide evidence of his work and the applicant explained that as a Hackney Carriage driver there was little evidence to show as none of the jobs were pre-booked. However, he had offered to show the officer the text messages on his phone.

Members noted the briefing note supplied to them by the legal officer which reminded them of the hackney carriage licensing legislation and the discretion that authorities could apply when granting or refusing a licence.

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

RESOLVED that the applicant was a fit and proper person to hold a hackney carriage / private hire drivers licence with West Oxfordshire District Council.

The Sub-Committee advised the applicant of their decision and explained that as the licensing authority, public safety was the overriding factor. The Chairman suggested that the applicant may wish to consider keeping a log of journeys where practicable and reiterated the importance of responding to officer requests promptly.

10. REVIEW OF A HACKNEY CARRIAGE DRIVERS LICENCES

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

The Licensing Officer outlined the report and advised that the applicant worked as a Hackney Carriage Driver with West Oxfordshire District Council (WODC).

The applicant had submitted a renewal application on 29 March 2019 and this was subsequently issued on 28 May 2019.

The report advised that applicant did not live in the West Oxfordshire area and had not clarified on the application form where he worked as a taxi driver. When asked, the applicant stated that he worked one day a month for a school contract with Cherwell Cars in Banbury.

The private hire operator of Cherwell Cars confirmed that he worked for them occasionally. On further investigation, Cherwell District Council submitted evidence that the applicant had undertaken 272 jobs for Cherwell Cars starting and finishing in the Banbury area, in March 2019.

Despite a number of requests, the applicant had been unable to supply officers with evidence that he undertook the majority of his work in the West Oxfordshire area.

Following a question from the Chairman, the applicant stated that he thought he had completed the application form properly. He also confirmed that he was aware of the requirement requesting that drivers undertake the majority of their work in West Oxfordshire.

With regard to the 272 jobs he had undertaken for Cherwell Cars in March 2019, he stated that this had been due to a shortage of staff and he had been asked to do them a favour.

Councillor Saul asked the applicant to clarify what proportion of his work he carried out in this area compared to the Cherwell area and how he acquired his work. The applicant stated that he would only work as a taxi driver when he had time off from his full time job and he got most of his work from sitting on the rank. He sometimes got a school job from Kingham to Oxford but only occasionally.

The applicant explained that he probably did one to two jobs a month in West Oxfordshire and 15 to 20 in Cherwell.

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

RESOLVED that the applicant's licence be revoked because he was not predominantly working in the West Oxfordshire area, with the majority of his fares being carried out in Cherwell.

The Sub-Committee advised the applicant of their decision and explained that he had a right of appeal to the magistrates' court within 21 days of the written decision being received. The applicant was advised that the revocation of his licence would not come into effect until the 21 days had passed or an appeal had proceeded through the courts.

The meeting closed at 11:18am

CHAIRMAN