

Thursday, 24 June 2021

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MISCELLANEOUS LICENSING SUB-COMMITTEE

You are summoned to a meeting of the Miscellaneous Licensing Sub-Committee to be held in the Council Chamber, Council Offices, Woodgreen, Witney on **Friday, 2 July 2021 at 10.00 am.**



Giles Hughes
Chief Executive

To: Members of the Miscellaneous Licensing Sub-Committee

Councillors: Councillor Norman MacRae MBE (Chairman), Councillor Steve Good (Vice-Chair), Councillor Ted Fenton, Councillor David Jackson and Councillor Geoff Saul

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the start of the meeting.

AGENDA

1. **Minutes of Previous Meeting (Pages 3 - 4)**

To approve the minutes of the meeting held on 18 March 2021.

2. **Apologies for Absence and Temporary Appointments**

3. **Declarations of Interest**

To receive any declarations from Members of the Committee on any items to be considered at the meeting and any from Officers.

4. **Exclusion of Public and Press**

In view of the likely disclosure 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, the public be excluded from the meeting for the remaining items of business.

5. **Review of a Dual Drivers Licence**

Purpose:

To review a Dual Driver's licence held by an existing West Oxfordshire District Council licenced driver.

Recommendation:

That the Sub-Committee determines whether or not it deems the licence holder is a 'fit and proper' person to hold a Dual Driver's Licence in the light of the information in this report.

Agenda Item 1

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Miscellaneous Licensing Sub-Committee
held via video conferencing at 10:30am on **Thursday 18 March 2021**

PRESENT

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

Officers: Michelle Bignell (Service Leader, Licensing and Business Support), Debra Courtenay-Crane (ERS Officer), Adrienne Frazer (Strategic Support Officer), and Oliver Somervell (Communications Specialist).

1. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 27 August 2020 be approved as a correct record and signed by the Chairman.

2. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

No apologies for absence were received.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. PARTICIPATION OF THE PUBLIC

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

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY REVIEW

The Sub-Committee received and considered the report of the Service Leader, Licensing and Business Support, which provided it with the opportunity to review draft Standards for Licensing Hackney Carriage and Private Hire Drivers prior to the undertaking of a consultation exercise which would precede the further consideration of the matter and the anticipated adoption of a Policy in the autumn.

In introducing the report and its appendices, the Chairman thanked those involved for all the work associated with the preparation of the documents for the meeting, before inviting members of the Sub-Committee to raise comments or queries. He also observed that the Council's current standards/policy were such that it was starting this review from a strong position. The following matters were mentioned:

- In noting that paragraph 1.5 of the statutory taxi and private hire vehicle standards set out in Annex A did not include vulnerable adults in relation to safeguarding, the Sub-Committee was advised that this could be included in the Council's revised policy
- Arising from paragraph 5.3 of Annex A relating to training of members making licensing decisions, the Chairman suggested what is included in resolution (b) below, noting that current members of the Sub-Committee were trained by experience and previous legal advice, and that it was appropriate for the Council to formalise the requirement for training in the future
- In relation to paragraph 5.12 of Annex A and the test of determining whether an applicant was a "fit and proper person", the Sub-Committee was advised that the wording in that section was proposed to be included in the revised policy to be approved later in the year

- The fact that it was proposed that the future review of and consultation on vehicle standards would include views on a mandatory requirement for CCTV
- The proposal in Annex C for revocations to be delegated to officers without the need for prior consultation with the Chairman of the Sub-Committee was queried, and the Service Leader explained that the proposal reflected changes in the statutory standards where there were serious safeguarding concerns
- The question of whether attendance at a speed awareness course should be required to be notified to the Council, it being noted that information as to such attendance was not available generally meaning that the Council could not check on or take action arising from non-disclosure
- The position in relation to diabetes as set out in paragraph 8 of Annex C, with the proposed additional medical requirement, which was an approach being developed in Oxfordshire, as opposed to being part of the statutory standards, and which would result in additional cost to the driver

Following this consideration, the Sub-Committee -

RESOLVED:

- (a) That the draft Standards for Licensing Hackney Carriage and Private Hire Drivers at Annex C to the report, and the draft policies and delegations in Annex D to the report be approved as the basis for the proposed 12 week period of consultation, subject to the incorporation of any changes arising from the discussion summarised above; and
- (b) That Council be recommended to agree that any members newly appointed to this Sub-Committee shall be required to attend suitable training as agreed by the Service Leader, in consultation with the Chairman of the Sub-Committee, prior to participating in any decisions, with this requirement to apply similarly in respect of any temporary appointments for a particular meeting of the Sub-Committee.

6. PAVEMENT LICENSING POLICY IMPLEMENTATION

The Service Leader, Licensing and Business Support offered the meeting an update on the implementation of the Pavement Licensing Policy, and the number of Licences granted. The policy had been put in place in summer 2020 arising from the government's policies to support the economy in the context of the covid-19 pandemic. The Sub-Committee was reminded that the Council did not charge a fee for licences, and that licences had been approved as follows:

Two in Woodstock
 One in Carterton
 Two in Chipping Norton
 Five in Witney

The Sub-Committee was also advised that (i) the policy applied only to land designated as highways land, which had meant that not all applications could be progressed; and (ii) with the anticipated re-opening of licensed premises from 12 April in mind, information about the policy was due to be included in the next edition of the Council's newsletter for businesses.

The meeting closed at 10.50 am

CHAIRMAN

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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