

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Miscellaneous Licensing Sub-Committee

Held in the Council Chamber, Woodgreen, Witney at 2.00 pm on **Thursday, 17 February 2022**

PRESENT

Councillors: Councillor Norman MacRae MBE (Chairman), Councillor Ted Fenton, Councillor David Jackson and Councillor Geoff Saul.

Officers: Helen Blundell (Principal Solicitor, Land, Legal and Property) and Amy Bridgewater-Carnall (Senior Strategic Support Officer)

18 Minutes of Previous Meeting

The minutes of the meeting held on 27 January 2022 were approved and signed by the Chairman as a correct record.

19 Apologies for Absence and Temporary Appointments

Apologies for absence were received from Councillor Steve Good.

20 Declarations of Interest

There were no declarations of interest received.

21 Exclusion of Public and Press

RESOLVED: That, in view of the likely disclosure of exempt information, as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972, the public were excluded from the meeting for the remaining item of business.

22 Review of a Dual Driver Licence

The Committee received a report from the Licencing Officer which asked them to review the licence of a Dual Driver, Mr A.

The report advised that the individual was first licenced as a dual driver with the Council in January 2013. During that time, there had been no complaints from members of the public or any other bodies such as the Police.

On 6 December 2021, Mr A submitted an application to renew his licence. On the application he advised that there was a pending conviction against him for assault. A copy of the DBS certificate was attached to the report at Annex A.

A check was completed with the DBS Update Service, which advised that the individual's account was no longer active. He was advised by officers that his licence would be surrendered until this had been rectified and he would need to appear before the sub-committee in light of the conviction disclosed.

The Licensing Officer outlined the report and advised that Mr A had not informed the Council of the conviction in line with Council policy. She signposted Members to the statements

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submitted by the driver and his wife. Mrs Thomas also explained that Mr A's wife would not be attending the hearing because she was on the school run but could be contacted by telephone if necessary.

Mr A addressed the sub-committee and advised that the date of the conviction was 2nd December 2021 although the incident had occurred in October 2021. Following a question from the Chairman, Mr A could not give a reason as to why he had failed to inform officers of the conviction.

Mr A gave an explanation of the events that had resulted in the conviction, advising that it had been a verbal argument between himself and his wife, whilst his father-in-law was present. The incident had lasted 5 to 10 minutes and his wife had threatened to call the police. Mr A tried to calm her down but on the advice of his father-in-law, left the house for a cigarette and to go to the local shop. Whilst there, his wife had texted to say that the police were on their way.

Following further questions from the Chairman, Mr A advised that the only physical contact had been when he had held her hand to prevent her from phoning the police and when he had given her a 'bear hug' to try to calm her down. He also confirmed that following the conviction, which he pleaded not guilty to, he was given a community order to attend a Building Better Relationships course, and paid £775 in costs. He confirmed that there were no children present at the time of the incident.

Mr A stated that his wife regretted her actions and this led to her writing the email outlining the circumstances. He felt that the incident was in a domestic setting and was not to do with the public.

Councillor Saul queried if there had been any physical injuries received by Mr A's wife. Mr A stated that there was no bruising and no doctors report because this had been a verbal exchange only.

Councillor Fenton asked why his wife had chosen to call the police in the first instance. Mr A did not think this was because she felt threatened and reiterated that it had not been a serious incident.

In summing up, Mr A reminded the Members that he had been a driver for eight to nine years and there had been no complaints about him in that time.

The applicant and the Licensing Officer left the room at 2.13pm to enable the sub-committee to deliberate in private.

Having considered the report and having heard from the applicant, the sub-committee agreed that Mr A had received a conviction for violence and had failed to notify officers of this. In

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addition, they did not feel that Mr A had provided them with any evidence as to why they should deviate from Council policy on this occasion nor did they feel he was a fit and proper person to retain his licence.

The Sub-Committee therefore

Resolved that, in the interest of public safety, the dual drivers licence be revoked, with immediate effect.

The applicant and the Licensing Officer returned to the chamber at 2.28pm and were advised of the sub-committee's decision. Mr A was advised that he would receive written notice of the decision within 14 days and had 21 days following receipt of this, to appeal to the magistrates court.

The Meeting closed at 2.30 pm

CHAIR