

WEST OXFORDSHIRE DISTRICT COUNCIL

Record of Decisions of the meeting of the **Miscellaneous Licensing Sub-Committee**

Held in Committee Room 2, Council Offices, Woodgreen at 10.00 am on **Friday, 2 July 2021**

PRESENT

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

Officers: Michelle Bignell (Service Leader (Licensing)), Susan Gargett (Interim Head of Legal Services) and Andrea Thomas (ERS Officer, Professional Services)

1 Minutes of Previous Meeting

The minutes of the meeting held on 18 March 2021 were approved and signed by the Chairman as a correct record.

2 Apologies for Absence and Temporary Appointments

Apologies for absence were received from Councillor Steve Good.

3 Declarations of Interest

There were no declarations of interest received.

4 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.

5 Review of a Dual Drivers Licence

The Sub-Committee received a report from the Group Manager of Residents' Services which asked them to review a Dual Driver's licence, held by an existing West Oxfordshire District Council licence holder.

Members were required to determine whether or not they deemed the individual to be a 'fit and proper' person to hold said licence, in light of the information contained in the report.

The Service Leader (Licensing and Business Support), Mrs Bignell, outlined the report which advised that the driver had been licenced with the authority since 2011. During that time, officers had received one complaint about him in 2019 regarding his proficiency in English.

Mrs Bignell explained that all licensed drivers and new applicants had to complete Safeguarding and Disability Awareness Training every three years. This was also a requirement of the West Oxfordshire District Council Hackney Carriage and Private Hire Licensing Policy which formed part of the conditions of the driver licence.

The driver's safeguarding training expired in 2020, however, the Council had decided to extend this to 31 March 2021 due to the pandemic.

Due to the fact that the driver's proficiency in English was poor, and he had to be accompanied to his safeguarding training session in 2017. However, Oxfordshire County Council was not permitting this now due to Covid-19 restrictions meaning that the driver could not pass the examination and fulfil the mandatory requirement.

Mrs Bignell outlined the options available to the panel, as detailed at section 5 and signposted Members to the written submission from the driver, attached as Annex A to the report.

Miscellaneous Licensing Sub-Committee

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The driver, his representative and the officers present were introduced.

The Chairman, Councillor MacRae clarified that none of the Members had any questions for the officer and then proceeded to ask the driver a number of questions regarding his current working situation.

The driver's representative explained that his client's family had suffered a number of bereavements over the last 12 months, resulting in him travelling to, and staying in, Pakistan for four months. On his return he had continued to work as a taxi driver in West Oxfordshire. He advised that his client had undertaken Safeguarding training previously but had been unable to do the refresher training because the County Council were not allowing interpreters or assistants to provide support, due to Covid restrictions.

Following a question from Councillor Fenton, officers advised that it was not known when the County Council were likely to remove the restriction and they had not been advised that it would change on 19 July 2021 when other restrictions were potentially due to be lifted.

Councillor Saul addressed the driver in order to ascertain how he currently communicated with his passengers and heard the circumstances surrounding the previous complaint received in 2019. The driver's representative also provided some background to the complaint which had occurred during the Charlbury Festival.

In response to a question from Councillor MacRae, the driver explained that he was not able to undertake the Safeguarding test because the County would not allow him to have an assistant present. However, he requested that an exception be made to enable him to continue working and provide for his and his brothers' family. His representative reiterated that he would complete the Safeguarding course as soon as he could and reminded the Panel that he had completed the training previously and was aware of the rules.

In summing up, the driver's representative reiterated the request to allow his client to continue working and reminded them that no further complaints had been received in the past ten years.

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

Resolved that the hearing be adjourned for three months to enable the Safeguarding test to be completed. If the training was not completed by 1 October 2021, the licence would be suspended.

The Chairman reiterated to the driver that it was, therefore, in his best interests to make every effort to take the Safeguarding test as soon as possible.

The Meeting closed at 10.38 am

CHAIRMAN