

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the

Miscellaneous Licensing Sub-Committee

Held in the Committee Room 1 (Witney); at 10.00 am on **Thursday, 27 January 2022**

PRESENT

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

Officers: Helen Blundell (Principal Solicitor, Land, Legal and Property), Andrea Thomas (Licensing Officer), Amy Bridgewater-Carnall (Democratic Services Manager) and Michelle Ouzman (Strategic Support Officer).

12 Minutes of Previous Meeting

The minutes of the meeting held on 9 September 2021 were approved and signed by the Chairman as a correct record.

13 Apologies for Absence and Temporary Appointments

No apologies of absence were received.

14 Declarations of Interest

Declarations of Interest were received as follows:

Councillor Saul declared an interest in Agenda Item 6 – Application for a Hackney Carriage Vehicle Licence, because the applicant was known to him. He therefore left the room whilst the application was being heard.

15 Participation of the Public

There was no Participation of the Public.

16 Application for a Private Hire Vehicle Licence

The Licensing Officer, Andrea Thomas introduced the application for a Private Hire Vehicle Licence, submitted by Mr Light.

Mr Light had been a licenced driver with the Council since June 2018 and worked for Charlbury Taxis. A copy of the application form, supporting documents and photos of the vehicle were attached as annexes to the report. The vehicle the application related to would be over the required five year age limit, under the council's current policy.

Mr Light had submitted a statement at Annex C to the report explaining why he felt the vehicle make and model should be classed as an executive car and therefore classed as an exception to the five year rule.

In her introduction, the Licensing Officer advised that Mr Light had not contacted the office for advice before purchasing the vehicle. In addition, it was not felt that this make and model fell into the 'elite' category of car.

The applicant Mr Light attended the hearing, and was supported by his employer Mr Sullivan.

The Chairman asked the applicant why he had not contacted the office for advice before purchasing the car. The applicant stated that he had misread the policy and thought that the age of the vehicle was within the boundary of five years because of its registration plate. He had not realised the five years was taken from the date of registration.

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The Chair also asked why the Council should defer from its policy on this occasion. Mr Light felt that the vehicle was in line with Council policy as an elite vehicle and believed it to be likened to a Rolls Royce or similar. Mr Sullivan added that the vehicle was a 2016 plate, so was still only five years old, had executive seats, separate air conditioning for rear seating, extra leg room in the rear seating area and had an extra-long body. Members noted that the vehicle was an S Class, an elite executive car.

Councillor Fenton asked for clarification on whether Mr Light was applying for the licence under the five year term or the elite classification. Mr Light felt that both categories applied on this occasion.

Mr Light confirmed that the vehicle was in the car park and invited the Councillors to view the car. Due to the uncertainty regarding the classification of the car it was agreed that an inspection may assist the Members in reaching a decision.

The Councillors left the committee room to inspect the vehicle.

Following the inspection the Councillors returned to the Committee room and the applicant and Licensing Officer left the meeting to enable to Members to deliberate in private.

The Committee discussed the application and received advice from the Councils Legal representative, Helen Blundell.

The Councillors unanimously agreed that this particular make and model, including specifications (Mercedes-Benz Model S 350 D L AMG LINE EXECUTIVE), along with the condition of this vehicle met the Councils Elite category and therefore the licence would be approved.

Mr Light and Mr Sullivan were invited back into the room, and the Chairman announced the Committee's decision.

The Chairman reminded the applicant that if he had contacted the Licensing Team directly before submitting the application, he would have had clear guidance on the Council's Policy.

Resolved that the licence be approved.

17 Application for a Hackney Carriage Vehicle Licence

The Licensing Officer, Andrea Thomas introduced the application for a Hackney Carriage Vehicle License submitted by Mr Smart.

Mr Smart had been a licenced driver with WODC since April 2019. The vehicle in question was originally licenced by the Council but this had expired on 28 October 2021. In addition, the vehicle would be over the required five year age limit, under the Council's current policy. A copy of the application, relevant driver documentation, photographs of the vehicle and a statement from the driver were included as annexes to the report.

In his statement, Mr Smart explained that he had experienced the bereavement of his brother, then his mother, and had been struggling to deal with the losses, especially his mother, as he had not been able to see her for a long time. After the funeral of his mother, he then had to deal with her affairs.

The applicant Mr Smart addressed the meeting and explained that he had been a driver in the area for many years and due to unforeseen family issues, as explained in his statement, the renewal of the licence has slipped his mind. He also advised that the car had been garaged

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since September 2021, and he had not used it in that time. Mr Smart assured the meeting that this was the first time he had ever missed a licencing deadline.

Councillor MacRae noted the extenuating circumstances that Mr Smart had been dealing with and passed on his condolences. Having checked with the other Committee members, it was confirmed there were no further questions.

AT 10.03 the applicant and Licensing Officer left the room, to allow the Councillors to deliberate in private. During this they received advice from the Councils Legal representation Helen Blundell on the existing Council policy and the discretions that were available to the Committee.

It was unanimously agreed that due to the exceptional circumstances of the applicant, the drivers good record and the hardship endured, the Council would exercise their right to approve the licence.

The applicant was called back into the room and the Chairman informed the applicant of the Councils decision explaining that the Committee understood the situation Mr Smart had found himself in and felt that the rules could be waived under these exceptional circumstances.

Resolved that in the exceptional circumstances the Council approves the licence.

The Meeting closed at 10.45 am

CHAIRMAN