

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Miscellaneous Licensing Sub-Committee
held via video conferencing at 11:00am on Friday 24 July 2020

PRESENT

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

Officers: Debra Courtney-Crane, ERS Licensing Officer, Ian Church, Council's Legal Officer and Amy Barnes, Senior Strategic Support Officer.

I. MINUTES

RESOLVED: That the minutes of the meeting held on 23 January 2020 be approved as a correct record and signed by the Chairman.

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.

4. PARTICIPATION OF THE PUBLIC

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

5. 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.

6. APPLICATION FOR A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE

The Sub-Committee received and considered the report of the Group Manager of Resident's Services which reviewed the Hackney Carriage / Private Hire Drivers Licence of an existing driver licensed with WODC.

Mrs Courtney-Crane outlined the report which advised that the individual had applied for a new licence and this was issued by WODC on 18 July 2019. A copy of the application form was attached as an appendix to the report.

The report advised that the driver had admitted to receiving an SP30 for a driving offence on 19 July 2018, and as a consequence received three penalty points. The application also asked whether the individual had ever had a HC/PH Drivers licence refused, to which the answer indicated was 'no'.

In January 2020, the Council was approached by a licensing officer from the Vale of White Horse District Council (VOWH), requesting information about the driver who had applied to them for a HC/PH driver's licence. In that application to them it was stated that a previous licence had been revoked by Oxford City Council, which had been omitted from the application form to WODC.

As a result of this information, VOWH made enquiries with Oxford City and their response was attached as an appendix to the report. VOWH also took the decision to prosecute the

driver for offences under paragraph 57 (3) of the Local Government (Miscellaneous Provisions) Act 1976, in that they knowingly and/or recklessly made false statements and omitted information from the application.

WODC Licensing Officers asked the driver why the information from VOWH on the application form had not been declared to them and a response was attached as appendix C to the report.

To date, WODC officers had not advised been advised of the pending prosecution with VOWH by the driver. A character reference had been submitted and was attached as Appendix D to the report.

The options available to the panel were outlined in section 5 of the report and included revoking, suspending or retaining the licence.

At the end of the officer's presentation, Ian Church, Legal Advisor, addressed the panel and reminded them of the emphasis on public safety when determining taxi driver applications and of the test that should be applied. He also advised that the panel were not present to try the driver for any offence but to consider if they remained a 'fit and proper' person to retain their licence.

The applicant was then interviewed by the Sub-Committee and presented the mitigating circumstances.

Prior to the Sub-Committee withdrawing, Ian Church reiterated the test that Members needed to apply and reminded them of the three options available to them as detailed in section five of the report.

In summing up, the driver stated an intention to always try to work with officers and had received good feedback from customers with no complaints. The driver advised that they had learned from the mistake and was hoping to apply for a loan to buy a car and did not want to remain on benefits.

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 Hackney Carriage / Private Hire Drivers Licence be revoked with immediate effect.

The driver was advised of the decision and provided with the details as to how to appeal the decision if desired.

7. PAVEMENT LICENCING POLICY

The Sub-Committee received and considered the report of the Group Manager of Resident's Services which advised that new Pavement Licensing provisions had come into force on 22 July 2020, following the giving of Royal Assent for the Business and Planning Act 2020.

The Act included urgent provisions designed to make it easier for premises in England serving food and drink, such as bars, restaurants and pubs, to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

The administration of Pavement Licensing under the Act was a responsibility of the District Council and was defined as being "non-executive", which meant that it could not be dealt with by the Council's Cabinet and fell within the remit of this Sub-Committee.

At its meeting on 13 May, Council approved procedures for taking urgent decisions. This included a requirement for decisions made in accordance with the powers to be reported to Cabinet or the appropriate Committee or Sub-Committee hence this report, which was for information.

The Pavement Licensing Policy, included as an Annex to the report, had been approved by the Chief Executive under those powers, following consultation with the Monitoring Officer and with the Chair of this Sub-Committee. The urgency powers had been used due to the very short timescales for determining any applications for Licences and the consequent urgent need for a policy and procedures to be in place.

The Policy in the Annex gave additional information, and set out all the features of the processes which would apply, including notice of applications, the determination and revocation of licence applications, and standard conditions. It also dealt with consultation, and the Sub-Committee noted that ward councillors and Town and Parish Councils and Parish Meetings were included as consultees, and had been advised accordingly.

Having considered the report the Sub-Committee

RESOLVED that the approval of the Pavement Licensing Policy for West Oxfordshire, be noted.

The meeting closed at 10.52 am

CHAIRMAN