

CONFIDENTIAL

**Minutes of a meeting of the
GENERAL PURPOSES LICENSING CASEWORK
SUB-COMMITTEE
on Monday 15 April 2019**

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Committee members:

Councillor Lygo (Chair)

Councillor Taylor

Councillor Wade

Officers:

Jeremy Franklin, Lawyer

Alison Daly, Lawyer

Emma Thompson, Licensing Compliance Officer

John Mitchell, Committee and Member Services Officer

Apologies:

No apologies were received

70. Application for a licence to drive Private Hire Vehicles in the City

The Head of Regulatory Services and Community Safety had submitted a report to inform the determination of Mr Solomon-Cameron's application to drive Private Hire Vehicles in the City. Mr Solomon-Cameron and the Licensing Officer joined the meeting. The Chair introduced members of the Sub-Committee and explained the procedure to be followed at the meeting.

The Licensing Officer introduced the report. On 27 November 2018 Mr Solomon-Cameron submitted an application for a new licence to drive Private Hire Vehicles in the City.

Mr Solomon-Cameron had answered "yes" to the question "*Have you ever been convicted or cautioned for a criminal offence?*" In response to the subsequent request to give dates and full details of those offences he stated "*10 October 2011 – ABH/GBH (same offence).*"

The Authority had received an up-to-date DBS Certificate on 20 February 2019 which disclosed details of relevant convictions not declared by Mr Solomon-Cameron. These were detailed in the report.

Mr Solomon-Cameron had also declared that his DVLA driver's licence had not been suspended, revoked or endorsed but a subsequent driver's licence check revealed that his licence had been endorsed and he had been disqualified for 18 months.

Mr Solomon-Cameron agreed that the evidence contained in the report "does look bad." Since those events he had settled down and had held the job of a Chef at the Magdalen Arms for 5 years. The driving offence occurred before he held a licence. The drug offence in Amsterdam was the result of "not understanding the rules" about the use of cannabis in that city.

Mr Solomon-Cameron explained that he had recently been away and had only returned to Oxford two hours before the meeting. In discussion it became apparent that Mr Solomon-Cameron was not well prepared for the hearing.

Mr Solomon-Cameron and the Licensing Officer were asked to leave to the room while the Sub-Committee considered whether or not to suggest to the applicant that his case be deferred.

The Sub-Committee agreed that there was a risk that Mr Solomon-Cameron would not receive a fair hearing given his evident unpreparedness and that he should be offered the opportunity to have the hearing deferred.

Mr Solomon-Cameron and the Licensing Officer returned to the room. Mr Solomon-Cameron accepted the offer of deferral and was advised to be well prepared for the next meeting and that this might include supporting references and, perhaps, to be accompanied by someone to support him.

The Sub-Committee resolved to:

Defer the Mr Solomon-Cameron's application to drive Private Hire Vehicles in the City to the next meeting of the Sub-Committee.

71. Application for a licence to drive Private Hire Vehicles in the City

The Head of Regulatory Services and Community Safety had submitted a report to inform the determination of Mr Leca's application to drive Private Hire Vehicles in the City. Mr Leca and the Licensing Officer joined the meeting. The Chair introduced members of the Sub-Committee and explained the procedure to be followed at the meeting.

The Licensing Officer introduced the report. On 6 February 2019 Mr Leca submitted an application for a new licence to drive Private Hire Vehicles in the City. Mr Leca had answered "yes" to the question "*Have you ever been convicted or cautioned for a criminal offence?*" In response to the subsequent request to give dates and full details of those offences he stated "*07/04/2015 – Driving a motor vehicle with excess alcohol on 21/03/2015 / £400 fine £85 costs.*"

NOT FOR PUBLICATION

The DBS Certificate submitted on 28 February 2019 disclosed the additional offence of using a vehicle whilst uninsured. Mr Leca had been disqualified from driving for 20 months in relation to the convictions.

Mr Leca read a prepared statement: *“ This meeting is very important to me as it gives me the opportunity to express my honest regret that led to me drinking and driving under the influence on the 7th April 2015.*

In the 4 years since my conviction, I have tried to understand what led to my complete and utter error of judgment on that day. Youth and inexperience had a part to play I believe, two factors which I have overcome. Lessons have been learnt.

In the past 4 years, I have settled into a successful, professional, full time job working in a prestigious language school. As the social activities manager at the school, my duties include working with young teenagers as well as adults accompanying them on various activities and excursions. I also manage a team of activity leaders in our peak seasons. I take these responsibilities very seriously.

I am well known and liked in my local community and have not been charged with any unlawful acts since my one time conviction in 2015. It was an isolated event,

As I reflect on the future I want to continue to contribute to society. My goal is to secure additional income through working part time , flexible hours driving a private hire.

I do not feel I pose a risk to my community, customers and fellow drivers and would appreciate your consideration in giving me a licence.”

In response to a question about the offence of driving with excess alcohol and lack of insurance he said it had been the result of driving a friend's car for a short distance when his friend had drunk too much to drive himself.

It was noted that following conviction for driving with excess alcohol, the licensing guidelines advocated a gap of at least 3 years after the restoration of a driving licence before an application was entertained. In this case that time would be up in about 6 months' time.

Mr Leca and the Licensing Officer left the room while the Sub-Committee considered the points raised.

Members of the Sub-Committee were appreciative of Mr Leca's candour and his previous good character and, on the basis of a majority vote, were willing to approve Mr Leca's application, notwithstanding that the three year period described above had not yet expired. Cllr Taylor did not support the decision, registering her concern about the seriousness about drink-driving offences.

Mr Leca and the Licensing Officer returned to the room.

The Chair said that the Sub-Committee took a very serious view of Mr Leca's offences, given its role in protecting the travelling public and had considered strict application of three year period contained in the guidelines. After much deliberation however it had decided, on the basis of a majority vote, to approve Mr Leca's application at this meeting.

The Sub-Committee resolved to:

Approve the application to drive Private Hire Vehicles in the City.

72. Application for a licence to drive Private Hire Vehicles in the City

The Head of Regulatory Services and Community Safety had submitted a report to inform the determination of Mr Sarbon's application to drive Private Hire Vehicles in the City. Mr Sarbon and the Licensing Officer joined the meeting. The Chair introduced members of the Sub-Committee and explained the procedure to be followed at the meeting.

The Licensing Officer introduced the report. On 16 January 2019 Mr Sarbon had submitted an application for a new licence to drive Private Hire Vehicles in the City. Mr Sarbon had answered "yes" to the question "Have you ever been convicted or cautioned for a criminal offence?" In response to the subsequent request to give dates and full details of those offences he stated "Illegal eviction 2015"

The DBS Certificate, submitted as part of the applications process, however, disclosed a total of 15 convictions between the years of 1990 – 2015, which had not been disclosed by Mr Sarbon and which were deemed relevant under the Council's Policy on the Relevance of Warnings, Offences, Cautions and Convictions.

In the GP Medical Report submitted on 18 January 2019 as part of the application process, Dr Robert Bennett stated that Mr Sarbon had: "A past history of drug use – not current for 5 years from medical record".

Mr Sarbon passed a number of references to members of the Sub-Committee which were read. He also passed a print out which purported to confirm that he was not currently using drugs but in the absence of any explanatory text or covering note from medical practitioner it was deemed inadmissible.

Mr Sarbon said "The past is my past." He had 5 children between the ages of 2 and 18. He had "grown up" and was "a man now". He had work delivering papers by van for Smiths News in Bicester and ran a small vehicle recovery business. He had battled with drugs in the past. As far as alcohol was concerned he drank responsibly now. He had sought help for addiction through a number of support groups. Drug related family bereavements had acted as an incentive to change his behaviours. He asked for the Sub-Committee to "give me this opportunity."

Mr Sarbon and the Licensing Officer left the room while the Sub-Committee considered the points raised.

Because of the time which had passed since the relevant offences had taken place, they fell outside the scope of licensing guidelines. Note was also made of Mr Sarbon's commitment to regular and reputable employment. The Sub-Committee remained

concerned however about the significance of drug related incidents in the past and agreed that approval of the application should be subject to conditions to provide assurance that Mr Sarbon was not using drugs

Mr Sarbon and the Licensing Officer returned to the room. The Chair said the extent of Mr Sarbon's previous convictions were a great concern to the Sub-Committee and it had not been easy to come to a decision despite the time which had passed since the relevant offences. The Sub-Committee had agreed however that Mr Sarbon's application should be approved but only for 12 months in the first instance. At the end of that period Mr Sarbon should re-apply with a new medical report from his GP and evidence of the outcome of a separate, up-to-date, drug and alcohol screening. Mr Sarbon would receive a letter outlining this decision.

The Sub-Committee resolved to:

Approve the application to drive Private Hire Vehicles in the City, subject to the conditions described above.

73. Confidential Minutes

As none of the Members present attended the meeting on 04 March 2019, The Sub-Committee resolved to delegate consideration of the minutes of that meeting to Councillor Cook, Chair of the meeting on that day.

The meeting started at 5.30 pm and ended at 7.05 pm

Chair

Date: Tuesday 28 May 2019

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