

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

THE COUNCIL CHAMBER, CIVIC CENTRE, STOURPORT-ON-SEVERN

FRIDAY, 26TH MARCH 2010 (10.30AM)

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**Present:**

Councillors: J Baker (Chairman), P V Hayward (Vice-Chairman), R L Akathiotis, A J Buckley, J Greener, M B Kelly, T L Onslow, M Price, and D R Sheppard.

**Observers:**

There were no members present as observers.

**LIC.79 Apologies for Absence**

Apologies for absence were received from Councillors: H J Martin, and F M Oborski.

**LIC.80 Appointment of Substitutes**

Councillor R L Akathiotis was appointed as a substitute for Councillor F M Oborski.

**LIC.81 Declaration of Interests**

No declarations of interest were made.

**LIC.82 Minutes**

**Decision: The minutes of the meeting held on 29th January 2010 be confirmed as a correct record and signed by the Chairman.**

**LIC.83 Exempt Information**

**Decision: Under Section 100A(4) of the Local Government Act, 1972 the press and public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of "Exempt Information" as defined in paragraphs 1, 2, 3, 5, and 7 of Part I of Schedule 12A of the Act.**

**LIC.84 Review of Hackney Carriage / Private Hire Driving Licence granted to an individual under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.**

The Committee received a report from the Principal Licensing Officer, the purpose of which was to request a review of a Hackney Carriage / Private Hire Vehicle Driving Licence held by a Licensed Driver within the District.

The Environmental Services Manager advised the Committee that the review had been requested in light of the Licensed Driver being convicted of failing to notify a

#### **Agenda Item No. 4**

change in circumstances in respect of Housing Benefit and Council Tax Benefit.

The Environmental Services Manager asked the Committee to decide whether the Licensed Driver was a fit and proper person to be the holder of a Hackney Carriage / Private Hire Vehicle Driving Licence within the District of Wyre Forest, and in accordance with the Enforcement Policy to take one of the following options:

- To take no further action.
- To verbally warn the driver as to their future conduct.
- To suspend the Driving Licence.
- To revoke the Driving Licence.

In response to a Member's question, the Litigation Solicitor advised that Housing Benefit correspondence did outline the need to inform the Council of any changes in employment circumstances.

The Licensed Driver addressed the Committee and said that the conviction was a result of a misunderstanding. The Licensed Driver claimed that he received inaccurate advice from other taxi drivers that he was allowed to work part time and continue to be in receipt of Housing and Council Tax Benefits.

At this point the Licensed Driver and Environmental Services Manager left the meeting. The Litigation Solicitor and Assistant Scrutiny / Committee Officer remained in the meeting. The Litigation Solicitor remained to provide legal advice, and the Assistant Scrutiny / Committee Officer remained to take the minutes, but neither took any part in the decision making.

A discussion ensued which focused on the following areas:

- The perceived intentions and integrity of the Licensed Driver.
- The clarity of message to the public regarding the need to declare changes in employment status when in receipt of benefits.
- Perceived difficulties involved in self employment.

At this point the Licensed Driver and the Environmental Services Manager entered the meeting in order for the Environmental Services Manager to respond to a query from a Member. He advised the Committee that in the event of a revocation of the licence, the Licensed Driver could not renew the licence, but that any other sanction would result in the licence being renewed after its expiration.

At this point the Licensed Driver and the Environmental Services Manager left the meeting.

In response to a Member's question, the Litigation Solicitor agreed to look into the clarity of paperwork issued to Benefit Claimants, specifically regarding the instruction to notify the Council of any changes in employment status.

At this point the Licensed Driver and the Environmental Services Manager entered the meeting to hear the Committee's decision.

**Decision: In view of the Licensed Driver's conviction under Section 112 (1A) of the Social Security Administration Act 1992, the Committee decided to give the Licensed Driver a verbal warning that any further concerns over his**

**conduct or further convictions could result in his Hackney Carriage / Private Hire Driver's Licence being suspended or revoked.**

**The reasons for this decision were:**

- 1. The Licensed Driver had been sentenced to a Community Punishment Order.**
- 2. The Council's Guidelines Related to the Relevance of Convictions are that a licence would normally be refused where an applicant has a conviction for Benefit Fraud. The Committee would therefore have been justified in revoking the Licensed Driver's licence. However, there were extenuating circumstances in this case, including the fact that the Licensed Driver was wrongly informed by other taxi drivers that his work as a taxi driver would not affect his Council Benefits because it was only part-time. He also, immediately after the Court hearing, paid in full the Council's costs.**
- 3. The above guidelines also make it clear their aim is not to punish a person twice for a conviction but to ensure public safety, and, as there is no requirement for dishonesty to be proved for the above offence, it was considered public safety would not be compromised by the Licensed Driver returning to work.**
- 4. The Committee therefore decided that, after receiving the appropriate verbal warning, the Licensed Driver should be given a further chance to rehabilitate himself by continuing to earn his living by driving a Hackney Carriage / Private Hire Vehicle.**

**The meeting ended at 11:15am.**