

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

13TH JUNE 2016 (10.30AM)

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**Present:**

Councillors: J Baker (Vice-Chairman), J Aston, R Bishop, J R Desmond, V Higgs, F M Oborski MBE, M Rayner, C Rogers, J D Smith, R J Vale, R Wilson and G C Yarranton.

**Observers:**

There were no members present as observers.

**LIC.1 Apologies for Absence**

Apologies for absence were received from Councillor J A Hart (Chairman).

**LIC.2 Appointment of Substitutes**

Councillor C Rogers was appointed as a substitute for Councillor J A Hart.

**LIC.3 Declaration of Interests**

No declarations of interest were made.

**LIC.4 Minutes**

**Decision: The minutes of the meeting held on 8<sup>th</sup> February 2016 be confirmed as a correct record and signed by the Chairman.**

**LIC.5 Licensing Act 2003 Powers**

The Committee received a verbal update from the Senior Practitioner – Licensing Worcestershire Regulatory Services (WRS) on the application of, and the Council's powers which are contained within, the Licensing Act 2003 in respect of a recent incident which had been alleged to have taken place in a licensed premises in Kidderminster.

The Senior Practitioner – Licensing outlined the details of the alleged incident. Members were advised that footage of the alleged incident which had taken place on a crowded dance floor had been widely circulated on social media and reported in the national press.

The Senior Practitioner – Licensing, added that on being notified of the alleged incident he had liaised with the Town Centre Police Sergeant who confirmed that the Police had spoken to a female in connection with the incident and were

taking no further action against her. The Senior Practitioner – Licensing also confirmed that he had contacted the licensed premises and advised by the Management that at the time they were unaware that the alleged incident was taking place, however on discovering what had happened took steps to identify the people involved and subsequently barred them from the premises.

The Senior Practitioner – Licensing concluded by advising Members that the Management of the licensed premises had acted responsibly when they had been made aware of the alleged incident and as such there were no breaches under the Licensing Act 2003.

**Agreed: The update be noted.**

**LIC.6 Exclusion of the Press and Public**

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

**LIC.7 Application for the Grant of a Hackney Carriage Private Hire Driver’s Licence**

The Committee received a report from the Director of Economic Prosperity and Place that asked Members to consider an application for the grant of a Hackney Carriage/Private Hire Driver’s Licence.

The Senior Practitioner – Licensing (WRS) led Members through the report and highlighted the relevant convictions listed on the DBS disclosure form which was circulated to Members at the meeting. The Senior Practitioner – Licensing advised that since submitting the original application, the applicant had moved to a new property. The Committee were advised of the applicant’s new address.

The applicant addressed the Committee and asked Members to support his application. Following questions from Members, the applicant outlined the circumstances surrounding his previous convictions and explained how he had turned his life around.

The Senior Practitioner – Licensing and applicant left the meeting at this point, (10.58am), for Members to deliberate their decision. The Solicitor and the Principal Committee and Member Services Officer stayed in the meeting whilst the Committee reached their decision.

The Senior Practitioner – Licensing and applicant re-entered the meeting at this point, (11.11am). The Solicitor read out the decision of the Committee.

**Agreed: Having carefully considered the application to grant a Hackney Carriage/Private Hire Driver’s Licence to the applicant, the Committee has decided that, notwithstanding the applicant’s previous convictions and the guidance contained in Council’s “Guidelines relating to the**

**Relevance of Convictions”, the Committee are satisfied that the applicant is a “fit and proper person” to be granted such a Hackney Carriage/Private Hire Driver’s Licence and it is justified in departing from the Council’s “Guidelines relating to the Relevance of Convictions” because of the exceptional circumstances presented to the Committee that:**

- 1. the offences, including the crime of dishonesty, were committed over 15 years ago and since then no further convictions have been recorded;**
- 2. the Applicant has a clean driving licence; and**
- 3. the Applicant appears to the Committee to be a reformed character, who has been in steady employment and is now a sensible balanced adult.**

There being no further business, the meeting ended at 11.12am.