

Open

# Licensing and Environmental Committee

## Agenda

10.30am  
Monday, 3rd October 2016  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Licensing and Environmental Committee

### Members of Committee:

**Chairman: Councillor J A Hart**  
**Vice-Chairman: Councillor J Baker**

**Councillor J Aston**

**Councillor J R Desmond**

**Councillor V Higgs**

**Councillor M Rayner**

**Councillor R J Vale**

**Councillor R Bishop**

**Councillor I Hardiman**

**Councillor F M Oborski MBE**

**Councillor J D Smith**

**Councillor R Wilson**

### Information for Members of the Public:

**Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.**

**Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.**

### Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of this constitution for full details.

### Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

### For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)

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**If you have any queries regarding this, please speak with the Council's Legal Officer at the meeting.**

\*Unless there are no reports in the open session

Wyre Forest District Council

Licensing and Environmental Committee

Monday, 3rd October 2016

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 13 <sup>th</sup> June 2016.	6
5.	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
6.	<b>Exclusion of the Press and Public</b>  To consider passing the following resolution:  "That 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 item of business on the grounds that it involves the likely disclosure of "exempt information" as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act".	

Part 2

Not open to the Press and Public

7.	<b>Application for the Grant of a Hackney Carriage / Private Hire Driver's Licence</b>  To receive a report from the Director of Economic Prosperity and Place that asks the Committee to consider an application for the grant of a Hackney Carriage / Private Hire Driver's Licence.	-
8.	<b>Application for the Grant of a Hackney Carriage / Private Hire Driver's Licence</b>  To receive a report from the Director of Economic Prosperity and Place that asks the Committee to consider an application for the grant of a Hackney Carriage / Private Hire Driver's Licence.	-
9.	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	

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.