

Open

Licensing and Environmental Committee

Agenda

10.30am
Monday, 10th April 2017
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

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*Unless there are no reports in the open session.

Wyre Forest District Council

Licensing and Environmental Committee

Monday, 10th April 2017

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members 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.	Declarations of Interests by Members 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.	Minutes To confirm as a correct record the Minutes of the meeting held on the 6th February 2017.	6
5.	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.	
6.	Exclusion of the Press and Public 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.	Application for the Grant of a Hackney Carriage/Private Hire Driver's Licence 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.	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.	

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

6TH FEBRUARY 2017 (10.30AM)

Present:

Councillors: J A Hart (Chairman), J Baker (Vice-Chairman), J Aston, R Bishop, J R Desmond, I Hardiman, V Higgs, F M Oborski MBE, M Rayner, C Rogers and R Wilson.

Observers:

Councillor N Martin.

LIC.15 Apologies for Absence

Apologies for absence were received from Councillors: J D Smith and R J Vale.

LIC.16 Appointment of Substitutes

Councillor C Rogers was a substitute for Councillor J D Smith.

LIC.17 Declaration of Interests

No declarations of interest were made.

LIC.18 Minutes

Decision: The minutes of the meeting held on 3rd October 2016 be confirmed as a correct record and signed by the Chairman.

LIC.19 Review of Fees and Charges for the Council's Licensing and Regulatory Services Function 2017/18

The Committee received a report from the Head of Worcestershire Regulatory Services (WRS) on behalf of Wyre Forest District Council which informed Members of the recent review of the Council's Licensing and Regulatory Services Function fees and charges, and the proposal to increase the fees and charges for the financial year 2017/18.

Councillor M Rayner entered the meeting at this point (10.33am).

The Senior Practitioner – Licensing (WRS) led Members through the report and advised that following a review of the Scrap Metal Dealers Act 2013 account, Sex Establishments account and Taxi Licensing account, WRS had recommended that there should be no increase in these fees and charges for

the forthcoming financial year. He added that the Council's Regulatory Services Licensing fees and charges were non-profit making and were designed to meet but not exceed the cost in issuing licences and the administration of the service.

Members were informed that following a review of the Taxi Licensing plates, a decision had been taken to include an expiry date on the plates which are displayed on the vehicles. The Senior Practitioner – Licensing advised that new plates would need to be re-issued annually on renewal of the licence, and following a review of the fees WRS were satisfied that the cost of issuing new plates could be absorbed within the existing budget for the first year. However, when the annual review of fees and charges takes place in the autumn of 2017, it may be that there needs to be a suitable increase to cover the cost of this function.

In conclusion, Members were advised it was proposed that all fees, with the exception of Scrap Metal Dealers, Taxi Licensing, Sex Establishments and those statutory fees set by Central Government, which include the Licensing Act 2003 applications, are increased by 5%.

The recommendation as set out in the report to the Licensing and Environmental Committee were proposed and seconded. Upon a show of hands the recommendation was carried by a majority vote.

Decision: Recommend to Council:

That the proposals for fees and charges within the Council's Licensing, Food, Health, Safety and Pollution Control functions for 2017/18, as detailed in the report, be included in the Council's 2017/18 budget strategy.

LIC.20 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.21 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 applicant addressed the Committee and asked Members to support his application. Following questions from Members, the applicant outlined the

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circumstances surrounding his previous convictions and explained the reason behind his career change, and the desire to do the best for his young daughter.

The Senior Practitioner – Licensing and applicant left the meeting at this point, (10.55am), 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, (11.14am). The Solicitor read out the decision of the Committee.

Decision:

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 two convictions for offences of violence were committed over 12 and 9 years ago and since those convictions no further convictions of violence have been recorded;**
- 2. the applicant appears to the Committee to now be a good citizen, who has shown that he has been in steady employment, which due to medical reasons he has now decided to move on from, and that the applicant has now settled down and wants to do the best for his young daughter.**

There being no further business, the meeting ended at 11.16am.