

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

4TH DECEMBER 2017 (10.30AM)

Present:

Councillors: J A Hart (Chairman), J Baker (Vice-Chairman), J Aston, R Bishop, J R Desmond, V Higgs, N Martin, F M Oborski MBE, J D Smith, R J Vale and R Wilson.

Observers:

There were no members present as observers.

LIC.18 Apologies for Absence

Apologies for absence were received from Councillors I Hardiman and M Rayner.

LIC.19 Appointment of Substitutes

Councillor N Martin was appointed as a substitute for Councillor M Rayner.

LIC.20 Declaration of Interests

Councillor N Martin declared, in respect of exempt agenda item number 8 – Application for the Renewal of a Hackney Carriage / Private Hire Driver's Licence, that she knew the person named in appendix 6 in a professional capacity and advised that it would have no impact on the process or her decision.

LIC.21 Minutes

Decision: The minutes of the meeting held on 2nd October 2017 be confirmed as a correct record and signed by the Chairman.

LIC.22 Scrap Metal Licensing Policy and Guidelines

The Committee received a report from the Head of Worcestershire Regulatory Services (WRS) on behalf of Wyre Forest District Council which presented the responses which had been received during the consultation on a draft policy and guidelines for the licensing of scrap metal sites and collectors in the District.

The Senior Practitioner – Licensing (WRS) led Members through the report and advised that the Scrap Metal Dealers Act 2013 (the Act) had been introduced to replace the previous regulatory scheme for scrap metal dealers and for vehicle dismantlers. He explained that the Act required anyone who

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deals in scrap metal to obtain and display a relevant licence. Licences can be refused and subsequently revoked if dealers are deemed 'unsuitable'. He added that the Committee had previously received reports briefing them on the provision of the Act which came into force on 1st October 2013, with full enforcement powers coming into effect on 1st December 2013.

The Senior Practitioner said that during the 12 week consultation period, one response had been received by the Council. He advised that the response from Chaddesley Corbett Parish Council had requested the draft policy be amended so that Parish Council's were consulted in relation to the issue of licenses and (or) the revocation or imposition of conditions on licences. He added that following careful consideration, it was decided that the policy should not be amended for the following reasons:

- *The consultation in section 3(7) of the Act is not a general right to consult but a right to consult to ascertain whether the applicant is suitable. Unlike requesting information from a different district council, which might have previously granted the applicant with a licence and have experience of their operations, a parish council would not have this working knowledge.*
- *Section 4 provides for the "authority" i.e. Wyre Forest District Council to make these decisions the Act unfettered by a requirement to consult.*
- *Section 6 clearly provides to whom this information must be given. We cannot extend the legislation in our policy as we would not want to provide information under our policy which we might be prevented in providing under other legislative restraints.*

The Senior Practitioner confirmed that for the purpose of reporting related complaints, full contact details for the Licensing Office and details of the Environment Agency's National Register of Scrap Metal Dealers, would be given to all Parish and Town Councils within the District.

Agreed:

- 1. The consultation responses be noted.**
- 2. Recommend to Council that the finalised policy and guidelines at "Appendix 1" of the report be approved and published.**

LIC.23 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.

The meeting was adjourned at this point, (10.43am), and reconvened at 10.51am.

Councillor N Martin declared her interest at this point.

LIC. 24 Application for the Renewal of a Hackney Carriage / Private Hire Driver's Licence

The Committee received a report from the Corporate Director: Economic Prosperity and Place that asked Members to consider an application for renewal of a hackney carriage / private hire driver's licence.

The Senior Practitioner led Members through the report and highlighted the relevant convictions listed on the Disclosure and Barring Service (DBS) enhanced disclosure form, Notice of Fine and Collection Order and Community Order documents which were circulated to Members at the meeting.

Members were advised that the criminal convictions were disclosed on the licence renewal application form. In response to a Member question, the Senior Practitioner confirmed that as part of the licence policy and conditions, which are issued to all drivers, convictions and cautions must be disclosed at the time they occur.

The applicant and his partner addressed the Committee and asked Members to support his application renewal. Following questions from Members, the applicant and his partner outlined the circumstances surrounding the applicant's convictions. The applicant explained the actions he had taken since that time.

The Senior Practitioner, applicant and his partner left the meeting at this point, (11.23am), for Members to deliberate their decision. The Solicitor and Principal Committee and Member Services Officer stayed in the meeting whilst the Committee reached their decision.

The Senior Practitioner, applicant and his partner re-entered the meeting at this point, (11.52am). The Solicitor read out the decision of the Committee.

Decision: Having carefully considered the application to renew a Hackney Carriage/Private Hire Driver's Licence for the Applicant, the Committee has decided that the application to renew his Hackney Carriage/Private Hire Driver's Licence be refused on the grounds that the applicant did not appear to the Committee, with due consideration of the Council's "Guidelines relating to the Relevance of Convictions", to be "a fit and proper person" to hold such a Licence in light of:

- 1. the Applicant did not report his convictions at the time that they occurred as he should have done under the policy and conditions attached to his licence; and**
- 2. the Applicant having been convicted of three offences of assault by beating in less than a year; and**
- 3. the Applicant has not offered the Committee sufficient mitigating circumstances to go against the detailed and strict guidelines set out in the Council's Policy.**

There being no further business, the meeting ended at 11.54am.