

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

11th JUNE 2018 (10.30am)

Present:

Councillors: P Harrison (Vice-Chairman), J A Hart, K Henderson, V Higgs, F M Oborski MBE, M Rayner and R Wilson.

Observers:

There were no members present as observers.

LIC.01 Apologies for Absence

Apologies for absence were received from Councillors: J Baker (Chairman), M Cheeseman, P Dyke, I Hardiman and R J Vale.

LIC.02 Appointment of Substitutes

No substitutes were appointed.

LIC.03 Declaration of Interests

Councillor P Harrison declared, in respect of Agenda item number 5 and 6, that he is a member of Bewdley Town Council.

LIC.04 Minutes

Decision: The minutes of the meeting held on 9th April 2018 be confirmed as a correct record and signed by the Chairman.

LIC.05 Application for the Grant of a Street Amenity Licence at The Courtyard, Bewdley

The Committee received a report from the Head of Worcestershire Regulatory Services (WRS) on behalf of Wyre Forest District Council, asking Members to determine an application to grant a Street Amenity Licence to The Courtyard, 3-4 Severnside South, Bewdley, DY12 2DX.

The application sought to permit 6 tables and 24 chairs between the hours of 07.00 - 23.30, situated on the river side pedestrian area in front of the premises. The times requested by the application fell outside the times of 09.00 – 22.00 normally allowed within the policy and in line with delegated responsibility. Anything outside of those times would have to be approved by Worcestershire County Council, who had not responded to this application.

The Senior Practitioner – Licensing (WRS) informed Members that notice of the licence application had been submitted to all responsible authorities in accordance with Wyre Forest District Council Public Realm and Streetscene (Control of Street Furniture) Policy, and objections were received from 7 members of the public. The Civic Society made a recommendation that the licence be considered with a reduction in hours from 10.00-22.00 to reduce the possibility of any nuisance being caused. An objection had been raised under Section 115E(2) of the Highways Act, 1980 in terms of obtaining consent from the owners of the frontages but Members were reminded that this was not applicable as under Section 115E(7) frontages are not involved in this matter. The Policy also makes allowances for the issue of market days to be addressed and planning permission was not required as the application involves removable furniture.

With the Chairman's permission, the Senior Practitioner circulated illustrations of how the applicant envisaged the tables looking once in place to Members and objectors.

The applicant was invited to address the committee and explained the background to his business and the application. He answered questions from Members and confirmed that the illustrations he provided were to scale.

The Solicitor confirmed to Members that the highway could only be obstructed during those hours permitted within the licence and Worcestershire Council could take enforcement action if used out of these hours.

The Chairman invited a representative to speak on behalf of Bewdley Town Council as an objector to the application.

Members questioned access for pushchairs, wheelchairs and disabled pedestrians to which the applicant responded.

The Senior Practitioner summed up the details of the application.

Members, Solicitors and the Assistant Committee Officer left the Council Chamber to deliberate the application (11:18am).

Members and Assistant Committee Services Officer returned to the Council Chamber (11:35am) followed by the Solicitors (11:38am).

The decision of the Committee was read out by the Solicitor.

DECISION: Having carefully considered the application made by The Courtyard Bewdley Ltd for a Street Amenity Licence in respect of the riverside pedestrian area in front of the premises at The Courtyard, 3-4 Severn Side South, Bewdley, DY12 2DX dated 13 February 2018

The Licensing Committee has decided:

"That a Street Amenity Licence for 6 tables and 4 chairs per table for the riverside pedestrian area in front of The Courtyard premises in the

position shown on the photograph with the proposed layout plan in the application dated 13 February 2018 should be granted with operating hours between 09:00 and 22:00 hours and otherwise subject to the terms of the Wyre Forest District Council Public Realm and Streetscene (Control of Street Furniture) Policy and Licence Conditions for Highways Amenity Licence as the applicant has satisfied the Committee that the application will not impeded the use highway so as to prevent access to it by the members of the public.”

LIC.06 Application for the Grant of a Street Amenity Licence at Arches Bar, Bewdley

The Committee received a report from the Head of Worcestershire Regulatory Services (WRS) on behalf of Wyre Forest District Council, asking Members to determine an application to grant a Street Amenity Licence to Arches Bar, 1 Severn Side South, Bewdley, Worcestershire, DY12 2DX.

The Senior Practitioner – Licensing (WRS) led Members through the report confirming that the name of the establishment was Arches Bar and not Archers as stated in some documents. The application to grant a Street Amenity Licence sought to permit 15 tables and up to 44 benches that would sit up to 72 people on the pedestrian area in front of the premises, and on the lower pedestrian area adjacent to the river, between the hours of 00.00 – 00.00.

He asked Members to consider that the times requested by the application fell outside the times of 09.00 – 22.00 normally allowed within the Wyre Forest District Council Public Realm and Streetscene (Control of Street Furniture) Policy, that the application proposed fixed benches and the type of barrier proposed also fell outside of the policy. In line with delegated responsibility, these issues would have to be approved by Worcestershire County Council, who had not responded to this application.

The Senior Practitioner informed Members that notice of the licence application had been submitted to all responsible authorities in accordance with Wyre Forest District Council Public Realm and Streetscene (Control of Street Furniture) Policy, and objections were received from 3 members of the public, Wyre Forest District Council Place Co-ordinator, Bewdley Town Council and the Conservation Officer. No comments had been received from the Highways Department.

A more detailed copy of the plan included with the application was distributed to Members prior to the meeting. The Senior Practitioner informed the Committee a customer petition been submitted after the consultation period had ended.

Due to the illustrations of proposed chairs and tables not being circulated to Members the meeting was adjourned for a short recess (11:57am)

The meeting resumed (12:02pm) with the images being circulated.

The applicant's representative was invited to address the committee. He gave background information on the business and application then answered

questions from Members.

The Chairman invited objectors to address the committee. A number of objectors raised concerns about the extended late night disruption, the proposed placement of the tables, safety issues and access to Severnside South being impeded.

The applicant's representative responded to concerns raised by the objectors. The objectors and applicant's representative were invited to make closing statements.

The Senior Practitioner summed up the application for Members reminding them where the application sat within Policy.

Members, Solicitors and the Assistant Committee Officer left the Council Chamber to deliberate the application (1:00pm).

Members, Solicitors and the Assistant Committee Officer returned to the Council Chamber and the Solicitor read the decision of the Committee (1:54pm).

DECISION: Having carefully considered the application made by Alan Preece for a Street Amenity Licence in respect of the footpath and the riverside pedestrian area in front of the premises at The Arches Bar, 1 Severn Side South, DY12 2DX dated 17 April 2018

The Licensing Committee has decided:

"That a Street Amenity Licence is granted for tables 1, 2, 3, 5, 6, 7, 10, 11, 12, 13, 14 and 15 in the locations shown on the proposed layout plan in the application dated 17 April 2018 between the times of 09:00 - 22:00 hours subject to the terms of the Wyre Forest District Council Public Realm and Streetscene (Control of Street Furniture) Policy and Licence Conditions for Highways Amenity Licence.

Further, the ropes referred to in the application are not approved in accordance with the Council Policy point 28.

Tables 8 and 9 have been refused and the area occupied by these tables must not be used. The Committee have come to this decision so as to provide greater visibility and access to the pedestrian crossing and further to provide greater visibility for traffic turning off the junction at Load Street.

Tables 10 to 15 should not extend more than 1.5 metres from the balustrade and shall at no time extend beyond the lamppost (by table 11) onto the footway and shall leave a width of at least 2 metres on the footway for pedestrian access.

Further, in respect of table 4, this has been refused by the Committee to reduce the impact of this application on the public space available in the location.

All references to the table numbers referred to above are references to the numbers as set out in the application.”

LIC.07 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.

Councillor Rod Wilson left the meeting at this point (2:02pm)

LIC.08 Application for the Grant 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 the grant of a Hackney Carriage/Private Hire Driver’s Licence.

The applicant provided a character reference and details of an attended anger management course in support of his application which was circulated to Members at the meeting, along with a copy of his DBS disclosure form.

The Senior Practitioner led Members through the report and highlighted the relevant convictions listed on the DBS disclosure form. He advised that the applicant had the right to work in the UK and held a full driving licence which currently had no endorsements. He added that the applicant had undertaken the required medical examinations and had been declared medically fit to drive by a qualified Medical Practitioner. He had also successfully passed the Knowledge Test which was a requirement of Wyre Forest District Council. The applicant had a previous application refused and this application was considered on its own merits.

The applicant addressed the Committee and asked Members to support his application. The applicant answered questions from Members in regards to his circumstances since he was last before them, his current employment situation, the background to his offences and his anger management course.

The Senior Practitioner and applicant left the meeting at this point (2:20pm), for Members to deliberate their decision.

The Senior Practitioner and applicant re-entered the meeting at this point (2:25pm). 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 Notwithstanding the applicant’s pattern of offences obvious from his 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. more than 5 years have passed since the last battery offence. Both offences were committed quite close to each other in 2012 and 2013 and the applicant has not committed any more offences of violent or other nature since then. The caution for affray, whilst also part of the pattern, was committed over 10 years ago;**
- 2. the applicant appears to the Committee to have settled as a family man with employment, who wants to move forward and the applicant has presented himself well to the Committee.**

LIC.09 Application for the Grant 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 the grant of a Hackney Carriage/Private Hire Driver's Licence.

The Senior Practitioner led Members through the report. He advised that the applicant had the right to work in the UK and held a full driving licence. He added that the applicant had not yet undertaken the required medical examinations and so had not been declared medically fit to drive by a qualified Medical Practitioner. He had also yet to attempt the Knowledge Test which is a requirement of Wyre Forest District Council. The applicant had communicated his intention to complete these, should his application be successful. The Senior Practitioner circulated a copy of the applicants DVLA record. In May 2017 he was disqualified from driving for 6 months under the totting up offence. The Senior Practitioner reminded the committee that a successful applicant must be clear of convictions for 12 months since the re-commencement of their driving licence.

The applicant addressed the Committee and asked Members to support his application. The applicant answered questions from Members in regards to his employment history, what the offences were for, if he had any issues since he began driving again and what contributed to the offences.

The Senior Practitioner and applicant left the meeting at this point (2:42pm), for Members to deliberate their decision.

The Senior Practitioner and applicant re-entered the meeting at this point (2:49pm). 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 the application to grant a Hackney Carriage/Private Hire Driver's Licence to the applicant 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 having been disqualified from driving for 6 month for repeated traffic offences and 12 months have not yet passed since the restoration of his DVLA licence.**
- 2. the applicant did not demonstrate to the Committee that he would drive with the due care and consideration that the Committee would expect.**

There being no further business, the meeting closed at 2:52pm