

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

6th August 2018 (10.30am)

Present:

Councillors: J Baker (Chairman), P Harrison (Vice-Chairman), M Cheeseman, P Dyke, I Hardiman, J A Hart, K Henderson, V Higgs, F M Oborski MBE, M Rayner, J D Smith and S J Williams.

Observers:

There were no members present as observers.

LIC.10 Apologies for Absence

There were no apologies for absence.

LIC.11 Appointment of Substitutes

Councillor S J Williams was a substitute for Cllr Wilson's vacant position.

LIC.12 Declaration of Interests

No declarations of interest were made.

LIC.13 Minutes

Decision: The minutes of the meeting held on 11th June 2018 be confirmed as a correct record and signed by the Chairman.

LIC.14 Animal Establishment Licensing Reforms

The Licensing and Support Services Manager led the Committee through a report from the Corporate Director: Economic Prosperity and Place, on the upcoming reforms that were planned in relation to the licensing of various animal-related establishments as a result of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018. The new regulations were effective from the 1st October 2018. The purpose of the report was to inform Members of the reforms and to ask for delegation powers and to approve fees and charges. Worcestershire Regulatory Services administered these services for all six District Councils in Worcestershire and each had received the same report and been asked to adopt the same delegation, authorisations and agree items listed at section 2 of the report.

The Licensing and Support Services Manager explained what would be covered under the new regulations including animal boarding, including clearer

guidelines for 'doggie daycare', riding establishments, dog breeding establishments (previously 5 litters now 3 in a 12 month period), pet shops. Regulations would include performing animals which had previously been covered under County Council registration. As was previously the case dangerous wild animals and Zoo's were not included in the new licensing regime.

Licenses would be issued for a 1, 2 or 3 year period and given a star rating based on an assessment of risk which would determine when further inspections would take place. There would be more powers for licensing authorities to enable variations, suspensions or revoking of licences. There were 31 Licenses in place in the Wyre Forest area under the current licensing regime and this number was expected to considerably increase under the new regulations. The cost of implementing the new scheme had been calculated in the suggested new fees and included the time needed for officers to assess, administer and process applications and review applications, assess the suitability of applicants, site inspections, enforcement costs, contesting application and an additional officer resource to cover the increased workload.

Members questioned the Licensing and Support Services Manager on the fees and application charges which she explained in further detail. Members expressed their agreement with the number of litters being reduced for dog breeders and the number of inspections going up. It was clarified that new recourses would allow officers to carry out more frequent inspections on high risk establishments and it was anticipated that there would be an increase in applications, enforcement cases and investigations during the first year which had been taken into account under the new charging structure. Fees would be considered again in 12 months to ensure they are not prohibitive to businesses. Members asked for further details on how members of the public would be informed about these new regulations. The Licensing and Support Services Manager explained the strategy that was in place and agreed with Members request for a concise notice for inclusion in Councillors newsletters. She also clarified how the numbers involved in dog breeding and boarding would be established. Members were pleased to see that additional record keeping would be involved and that extra recourses were being recruited.

The Committee agreed to recommend to Council that:

i) Determination of all licensing applications in respect of Animal Welfare Act 2006 were removed from para 3, Schedule 2, Part II (Matters not Delegated) of the Worcestershire Shared Services Agreement dated 1 April 2016

ii) The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were added to Schedule 1 Appendix, Part II of the Worcestershire Shared Services Agreement dated 1 April 2016.

iii) The following wording was added to Part II "Animal Health and Welfare" section of Appendix 1- Statement of Partner Service Requirements to Worcestershire Shared Services Agreement dated 1 April 2016.

Activity	Outcomes/ critical success factors	Performance measures/ key performance indicators and targets	Applicable policies, strategies, service standards, statutory codes or guidance
Licensing of Activities Involving Animals	Premises meet Licensing Conditions and License issued on time. Animal welfare issues addressed assured and protected. All appropriate persons and premises licensed.	Compliance with License conditions and standards.	The Animal Welfare Act 2006 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

iv) Approval be given of the proposed fees and charges as detailed in the report at Appendix 2.

LIC.15 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.16 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.

A copy of the applicants DBS disclosure form was circulated to Members at the meeting.

The Technical Officer led Members through the report and highlighted the relevant convictions listed on the DBS disclosure form. She advised that the applicant had successfully passed the Knowledge Test, which was a requirement of Wyre Forest District Council, and had the right to work in the UK. She added that the applicant had undertaken the required medical examinations and had been declared medically fit to drive by a qualified Medical Practitioner and held a full driving licence which currently had no endorsements.

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The applicant then answered questions from the Committee to support his application. Members asked the applicant if he could clarify details of an offence that occurred in 2012 but the applicant was unable to recall the details.

Members questioned the applicant on the convictions listed on his application form as there appeared to be inconsistencies with dates he had given on the application form and the information provided on the DBS certificate. The applicant was unable to clarify why the information was different. Upon inspection of the information the Licensing and Support Services Manager offered that she believed the applicant had gotten confused with dates when completing the application form.

The applicant was asked to explain the situation behind his convictions but he could not recall the circumstances of each offence.

When given the opportunity to ask questions of the Committee the applicant asked why the application process had taken so long as he had submitted it last year. The Technical Officer informed the Committee that the applicant had taken some time to complete the knowledge test and that the DBS check had had to be completed again. The applicant also asked for clarification as to if his telephone conversations with Officers were recorded, which he was informed they were not.

The applicant was invited to speak in support of his application. He informed the Committee that this Licence was important to his family.

The Licensing and Support Services Manager, Technical Officer and applicant left the meeting at this point (11:24am), for Members to deliberate their decision. The solicitor and the Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision.

The Licensing and Support Services Manager, Technical Officer and applicant re-entered the meeting at this point (11:39am). 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 fact that the Applicant's attitude has not changed since his convictions.**
- 2. His demeanour in front of the Committee, which led the Committee to believe that he did not possess the necessary qualities to deal with the members of the public as a taxi/private hire vehicle driver.**
- 3. His failure to answer several questions about his convictions satisfactorily.**

The applicant left the Meeting at this point (11:41am) and the Hackney Carriage/Private Hire Driver for the next application entered the meeting (11:43am).

LIC.17 Review 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 review the Hackney Carriage/Private Hire Driver's Licence held by the licence holder.

The Technical Officer led Members through the report highlighting details of the licence holders history as a Hackney Carriage/Private Hire Driver and details of the investigation into him failing to renew the licence for his Hackney Carriage vehicle which resulted in a conviction.

The Technical Officer reminded the Committee that they needed to decide if the Licence Holder was a fit and proper person to continue to hold a Hackney Carriage/Private Hire Driver. She then provided clarification for Members on the dates and licences involved, and confirmed that it was up to the Committee to decide if the licence holder was able to continue holding his licence.

Members asked the licence holder to explain the situation behind the licence not being renewed. He also answered questions on how long he had held a Hackney Carriage/Private Hire Driver's licence and how long he had been driving a taxi for.

The Technical Officer confirmed for Members that the licence holder did have appropriate insurance in place but this was invalidated by the expired Hackney carriage vehicle licence.

The licence holder was then invited to address the Committee. He asked for Members to consider that he had missed the renewal because of family issues but had a good history as a driver prior to this.

The Licensing and Support Services Manager, Technical Officer and the licence holder left the meeting at this point (12:00pm), for Members to deliberate their decision. The solicitor and the Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision.

The Licensing and Support Services Manager, Technical Officer and licence holder re-entered the meeting at this point (12:39pm). The Solicitor read out the decision of the Committee.

Having reviewed the applicants Hackney Carriage/Private Hire Driver's Licence and carefully considered whether the licence holder is a fit and proper person to continue to hold such a licence, the Committee have decided, with due consideration of the guidance contained in the Council's "Guidelines relating to the Relevance of Convictions", that the licence holders Hackney Carriage/Private Licence is suspended for 6 months.

In making this decision the Committee took into account the licence holders previous good service as a taxi driver and as such it was felt a 6 months suspension to be more acceptable than a revocation at this time.

There being no further business, the meeting ended at 12:40pm.