

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

1st OCTOBER 2018 (10:30am)

Present:

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

Observers:

There were no members present as observers.

LIC.18 Apologies for Absence

Apologies for absence were received from Councillor K Henderson.

LIC.19 Appointment of Substitutes

Councillor A Coleman was a substitute for Councillor K Henderson.

LIC.20 Declaration of Interests

No declarations of interest were made.

LIC.21 Minutes

Decision: The minutes of the meeting held on 6th August 2018 be confirmed as a correct record and signed by the Chairman.

LIC.22 Review of the Gambling Act 2005

The Committee received a report from the Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council to consider the responses received during the recent consultation on the revised Gambling Statement of Principles 2019 – 22, as part of the statutory triennial review in accordance with Section 349 of the Gambling Act 2005.

The Statement of Principles was first considered at the April 2018 meeting of the Committee. A full stakeholder consultation took place and the consultation period had concluded. The Senior Practitioner – Licensing (WRS) explained those consulted had been mostly happy with the document with one substantive reply having been received from Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB). He talked Members through the amendments that had been suggested in response to the consultation and explained the reasoning behind those that had been considered for

acceptance.

Agreed: Following consideration of responses received, recommend to Council that the revised Statement of Principles 2019–22 attached 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.

LIC.24 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 Senior Practitioner – Licensing led Members through the report and highlighted the relevant convictions listed on the DBS disclosure form. He advised that the applicant had successfully passed the knowledge test required by Wyre Forest District Council, had been declared medically fit to drive a private hire and hackney carriages vehicle by a medical practitioner and had the right to work in the UK. The applicant had declared all convictions on his application form.

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 the reasons for his actions.

The Senior Practitioner – Licensing and the applicant left the meeting at this point, (10:52am), for Members to deliberate their decision. The Solicitor and Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision.

The Senior Practitioner – Licensing and the applicant re-entered the meeting at this point, (11.07am). 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 fact that the Applicant has a conviction for a major traffic offence and a conviction for a dishonesty offence 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 21 years have passed since the commission of the offences, which were both committed on the same day and occasion, and since those convictions no further convictions have been recorded;**
- 2. The Applicant was honest and upfront about his background;**
- 3. The Applicant presented himself well to the Committee and appears to the Committee to now be a good, hard working citizen with a steady employment, where his driving is regularly monitored, and who has learned from his past mistakes and who wants to move forward with his life and provide for his family.**

The Senior Practitioner – Licensing and the applicant left the meeting at this point (11:09am).

There being no further business the meeting ended at 11:10am.