

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

4TH FEBRUARY 2019 (10.30AM)

Present:

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

Observers:

There were no members present as observers.

The Chairman announced that the Senior Practitioner – Licensing would be accompanied by 3 Licensing Officers from Worcestershire Regulatory Services during the meeting. The Members of the Committee and the applicants confirmed that they were content for the Officers to remain in the public gallery for the duration of the meeting.

LIC.32 Apologies for Absence

Apologies for absence were received from Councillor I Hardiman.

LIC.33 Appointment of Substitutes

Councillor A Coleman was a substitute for Councillor I Hardiman.

LIC.34 Declaration of Interests

No declarations of interest were made.

LIC.35 Minutes

Decision: The minutes of the meeting held on 3rd December 2018 be confirmed as a correct record and signed by the Chairman.

LIC.36 Review of Fees and Charges for the Council's Licensing and Regulatory Services Function 2019/20

The Committee received a report from the Head of Worcestershire Regulatory Services 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 2019/20.

The Senior Practitioner – Licensing led Members through the report and the proposed changes. He informed Members that certain fees would remain unchanged, this included the taxi and private hire licensing fees and charges.

Decision: The Committee agreed to recommend to Council that the proposals for fees and charges within the Council's Licensing, Food, Health, Safety and Pollution Control functions for 2019/20, as detailed in the report, be included in the Council's 2019/20 budget strategy.

LIC.37 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.38 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. The applicant was present at the meeting and had brought a friend to support them from the public gallery.

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 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. The applicant had also successfully passed the knowledge test which was a requirement of Wyre Forest District Council. He reminded Members that convictions for dishonesty do not have a rehabilitation period.

The applicant addressed the Committee and following questions from Members explained the circumstances surrounding their conviction and clarified points as requested.

The applicant and their supporter left the meeting at this point, (10:55am) along with the Senior Practitioner – Licensing and 3 Licensing Officers, for Members to consider their decision. The Solicitor and the Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision.

The applicant and their supporter, the Senior Practitioner – Licensing and 3 Licensing Officers re-entered the meeting at this point (11:18am). 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 have decided, having due consideration of the guidance contained in the Council's Guidelines relating to the Relevance of convictions, that:

The application to grant a Hackney Carriage/Private Hire Driver's Licence to the Applicant be refused on the grounds that the evidence presented to the committee relating to his convictions does not give the committee at the present time confidence that the applicant is a fit and proper person and that the applicant did not appear at the present time 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 importance for Hackney Carriage/Private Hire Drivers to be honest and trustworthy; and**
- 2. The applicant's pattern of offences of dishonesty, namely fraud, which resulted in a significant financial gain for the applicant; and**
- 3. The short period of time that has elapsed since the applicant's conviction.**

The applicant thanked the Committee for considering their application and left the meeting at this point with their supporter (11:20am) and the Senior Practitioner – Licensing who returned at (11:22am).

LIC.39 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 and DVLA Licence Summary were 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 the right to work in the UK and held a full driving licence which currently had no endorsements but did display details of the applicant's conviction. He added that the applicant had undertaken the required medical examinations and had been declared medically fit to drive by a qualified Medical Practitioner. The applicant had also successfully passed the Knowledge Test which was a requirement of Wyre Forest District Council. He advised Members that the applicant had not declared their caution on the application form when asked to do so and also clarified that a date included in the exempt report was incorrect and confirmed the correct date. The Senior Practitioner – Licensing answered a question from Members confirming that only current offences were to be considered.

The applicant addressed the Committee and following questions from Members explained the circumstances surrounding their conviction and clarified points as requested.

The applicant left the meeting at this point, (11:38am) along with the Senior Practitioner – Licensing and 3 Licensing Officers, for Members to consider their decision. The Solicitor and the Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision.

The meeting was adjourned at 11:50am for the Solicitor to seek clarification on a point raised by Members and resumed at 11:57am.

The applicant, the Senior Practitioner – Licensing and 3 Licensing Officers re-entered the meeting at this point (12:08pm). 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 have decided, having due consideration of the guidance contained in the Council’s Guidelines relating to the Relevance of convictions, that:

The application to grant a Hackney Carriage/Private Hire Driver’s Licence to the Applicant be refused on the grounds that the evidence presented to the committee relating to their convictions does not give the Committee confidence that the applicant is a fit and proper person and 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 convicted of a drink driving offence within the last 4 years resulting in a 24 months driving disqualification and 3 years having not elapsed since the restoration of his DVLA licence.**
- 2. The applicant also having received caution for an offence of violence, namely criminal damage.**
- 3. The applicant having committed both of the offences under the influence of alcohol.**
- 4. The applicant having not disclosed, when given the opportunity and asked to do so, the caution in respect of the criminal damage offence on his application dated 31 May 2018.**

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