

Open

Licensing and Environmental Committee

Agenda

**10.30am
Monday, 10th June 2019
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster**



Licensing and Environmental Committee

Members of Committee:

Chairman: Councillor P Dyke
Vice-Chairman: Councillor M Rayner

Councillor J F Byng

Councillor R H Coleman

Councillor I Hardiman

Councillor F M Oborski MBE

Councillor L Whitehouse

Councillor A Coleman

Councillor C E E Edginton-White

Councillor K Henderson

Councillor J W R Thomas

Councillor P W M Young

Information for Members of the Public:

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Sian Burford, Assistant Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732766 or email sian.burford@wyreforestdc.gov.uk

Wyre Forest District Council

Licensing and Environmental Committee

Monday, 10th June 2019

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 8th April 2019.	5
5.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
6.	Exclusion of the Press and Public To consider passing the following resolution: "That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "exempt information" as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act".	

Part 2

Not open to the Press and Public

7.	Review of a Hackney Carriage / Private Hire Driver's Licence To receive a report from the Corporate Director: Economic Prosperity and Place which asks the Committee to consider a review of a Hackney Carriage/Private Hire Driver's Licence.	
8.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

8TH APRIL 2019 (10.30AM)

Present:

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

Observers:

There were no members present as observers.

LIC.40 Apologies for Absence

Apologies for absence were received from Councillor J A Hart.

LIC.41 Appointment of Substitutes

Councillor A Coleman was a substitute for Councillor J A Hart.

LIC.42 Declaration of Interests

No declarations of interest were made.

LIC.43 Minutes

Decision: The minutes of the meeting held on 4th February 2019 be confirmed as a correct record and signed by the Chairman.

LIC.44 Licensing Act 2013 Review of Statement of Licensing Policy

The Committee received a report from the Head of Worcestershire Regulatory Services, on behalf of Wyre Forest District Council (WFDC), asking Members to consider and approve the revised draft Statement of Licensing Policy. The Senior Practitioner – Licensing, led Members through the report highlighting areas for Members consideration. He informed them that WFDC is a licensing authority in accordance with the provision of the Licensing Act 2003. The Act requires the Council to determine and publish a Statement of Licensing Policy at least every 5 years and in order for the Policy to be ready for renewal in December 2019, the document needed to be considered in preparation for a 12 week consultation with the relevant parties noted in the report. He encouraged Members to comment on the Policy before the end of the consultation period as the next time the Policy would be considered before the Committee it would be to consider amendments suggested from the Consultation.

Councillor Oborski asked The Senior Practitioner – Licensing if it were possible to make it a requirement for taxi drivers to report to the Police any illegal activity that they may witness. He informed Members that it was every individual's civic duty to report illegal activity and although it can not be made a condition of holding a Hackney Cab Licence any information received by Worcestershire Regulatory Services about illegal activity was passed onto the Police and he would include a reminder in the Taxi Drivers newsletter.

Decision: The Committee approved the revised draft Statement of Licensing Policy as of Appendix 1 of the report, for the purpose of consultation with relevant parties.

LIC.45 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.46 Renewal of a Hackney Carriage/Private Hire Driver's Licence

With the permission of the Chairman, and the agreement of the Committee, the Solicitor read out a character reference from the applicant's employer.

A copy of the applicants DVLA license summary was circulated to Members.

The Committee received a report from the Corporate Director: Economic Prosperity and Place to consider a renewal application for the grant of a Hackney Carriage/Private Hire Driver's Licence.

The Senior Practitioner – Licensing informed Members that the applicant had submitted an application to renew their Hackney Carriage/Private Hire Driver's Licence as required to do every 3 years, but had not declared any driving offences on the application form in the section where it request the information. As part of the renewal process enquiries were made by WRS with the DVLA to check the applicants driving history. This check revealed a number of driving offences that were not declared on the application form.

The applicant addressed the Committee and explained why they had failed to declare the offences and answered questions from Members about the circumstances surrounding the offences.

The Senior Practitioner – Licensing and the applicant left the meeting at this point (11:15am) for Members to deliberate their decision. The Solicitor and Assistant Committee Service Officer stayed in the meeting whilst the Committee reached their decision.

The Senior Practitioner – Licensing and the applicant returned at 11:49am and the Solicitor read out the decision of the Committee.

Decision: Having carefully considered the renewal application for the grant of a Hackney Carriage/Private Hire Driver's to the applicant, the Committee has decided:

That notwithstanding their recent convictions for 3 speeding offences and their failure to declare these convictions as required and having carefully considered the guidance contained in Council's "Guidelines relating to the Relevance of Convictions" and the circumstances of the matter, explained by the Applicant to the Committee, the Committee are satisfied that the omission was not intentional and the Applicant is a "fit and proper person" to continue to hold a Hackney Carriage/Private Hire Driver's Licence.

However, in light of the 3 speeding convictions the Committee have decided to issue a strong warning in respect of their future driving conduct and should they receive any further driving conviction (or any other conviction) they must inform the Council within 7 days of this conviction. Any future speeding conviction might result in the matter having to be reviewed again by this Committee.

There being no further business, the meeting ended at 11:50am.