

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

2ND DECEMBER 2019 (10.30AM)

Present:

Councillors: P Dyke (Chairman), J F Byng, A Coleman, R H Coleman, B S Dawes, H E Dyke, C Edginton-White, I Hardiman, F M Oborski MBE, J W R Thomas, L Whitehouse and P W M Young.

Observers:

There were no members present as observers.

LIC.19 Apologies for Absence

Apologies for absence were received from Councillors: M Rayner (Vice-Chairman) and K Henderson.

LIC.20 Appointment of Substitutes

Councillor B S Dawes was a substitute for Councillor K Henderson and Councillor H E Dyke was a substitute for Councillor M Rayner.

Councillor P W M Young entered the meeting at this point (10:31am)

LIC.21 Declaration of Interests

Councillor P Dyke declared an Other Disclosable Interest in agenda item no. 8 and informed the Committee that he would leave the room for this item and, in the absence of the Vice-Chairman; a temporary Chairman would be elected for this item.

LIC.22 Minutes

Decision: The minutes of the meeting held on 7th October 2019 be confirmed as a correct record and signed by the Chairman.

LIC.23 Review of Fees and Charges for the Council's Licensing and Regulatory Services Function 2020/21

Members received a report from the Corporate Director: Economic Prosperity and Place informing them 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 2020/21.

The Senior Practitioner – Licensing led Members through the report informing them that the fee structure is based on recovery costs and no surplus is made.

He pointed out that item 3.1 should read as a 2% increase in the scrap metal and animal licensing fees and charges.

Following a consultation period, any responses will be fed back to the Licensing & Environmental Committee for consideration.

Decision:

- 1.1 Recommend to Council that the proposals for fees and charges within the Council's Licensing, Food, Health, Safety and Pollution Control functions for 2020/21, as detailed in the report, be included in the Council's 2019/20 budget strategy.**
- 1.2 Direct Officers to advertise the hackney carriage and private hire vehicle and operator fees as detailed in the report and recommend that, subject to consideration of any objections received, Council approves the increases as outlined in Appendix 1 of the report.**

LIC.24 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 P Dyke left the meeting at this point (10:38am) and Councillor F M Oborski MBE was elected as Chairman in his absence.

LIC.25 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 to consider an application for the grant of a Hackney Carriage/Private Hire Driver's Licence.

A copy of the applicant's enhanced DBS certificate was circulated to Members.

The Technical Officer informed Members that the applicant had submitted an application for a Hackney Carriage/Private Hire Driver's Licence but failed to declare any convictions which were then revealed on an enhanced DBS check.

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

The Senior Practitioner – Licensing, Technical Officer and the applicant left the meeting at this point (10:55am) 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, Technical Officer and the applicant returned at 11:05am and 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 applicant’s 2 previous convictions relating to violence and dishonesty and his failure to declare these convictions on their application form and the guidance contained in the 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. Over 40 years have passed since the commission of the offences of violence and dishonesty and the applicant has not been convicted of any other offences since.**
- 2. The explanation offered by the applicant to the committee in respect of the applicant’s failure to declare their convictions for violence and dishonesty persuaded the Committee that it was a case of misunderstanding rather than a deliberate action.**
- 3. The applicant appeared to the Committee to be a reasonable, open and honest person, who has learned a lesson and who has led a stable life since the commission of the offences, having acquired a long standing experience as a continental HGV driver.**

11:07am the applicant left the meeting. Councillor P Dyke returned to the meeting and resumed the Chair at this point.

LIC.26 Application for the Grant of a Hackney Carriage/Private Hire Driver’s Licence

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The Technical Officer informed Members that the applicant had submitted an application for a Hackney Carriage/Private Hire Driver’s Licence but failed to declare any convictions which were then revealed on an enhanced DBS check.

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

Agenda Item No. 4

The Senior Practitioner – Licensing, Technical Officer and the applicant left the meeting at this point (11:35am) for Members to deliberate their decision. The Solicitor and Assistant Committee Service Officer stayed in the meeting whilst the Committee reached their decision.

12:05pm Councillor P W M Young left the meeting.

The Senior Practitioner – Licensing, Technical Officer and the applicant returned at 12:08pm and 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 committed 2 offences relating to drink driving, including refusal to provide specimen for analysis, resulting in 2 disqualifications from driving. Whilst the Committee appreciates that the applicant was going through a difficult time at the time the offences were committed and is in a much better place today, the Committee is not persuaded that the situation would not repeat itself should the applicant face further difficulties in his life.**
- 2. The applicant's failure to declare correctly his previous convictions on his application form. The applicant appeared to the Committee to be a thorough person and the application form is very clear in its request for full disclosure of all previous convictions. Taking into account the necessity of honesty and trustworthiness for hackney carriage and private hire drivers, who commonly deal with vulnerable persons, the Committee were not persuaded by the applicant that the applicant's failure to declare his convictions was just an unintentional oversight rather than a deliberate action.**

There being no further business the meeting ended at 12:11pm.