

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

2ND AUGUST 2021 (10.30AM)

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**Present:**

Councillors: P Dyke (Chairman), A Coleman (Vice-Chairman), J F Byng, R H Coleman, B S Dawes, I Hardiman, K Henderson, F M Oborski MBE, M Rayner, J W R Thomas, L Whitehouse and P W M Young.

**Observers:**

There were no members present as observers.

**LIC.07 Apologies for Absence**

Apologies for absence were received from Councillor C Edginton-White.

**LIC.08 Appointment of Substitutes**

Councillor J W R Thomas was a substitute for Councillor C Edginton-White.

**LIC.09 Declaration of Interests**

No declarations of interest were made.

**LIC.10 Minutes**

**Decision: The minutes of the meeting held on 7th June 2021 be confirmed as a correct record and signed by the Chairman.**

**LIC.11 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.12 Review of a Hackney Carriage/Private Hire Driver's Licence**

Prior to the start of the meeting the driver requested a delay to this item being considered by the Committee as his legal representative was unable to be present due to unforeseen circumstances, and to allow Officers to address issues with the report raised by the representative.

The Committee agreed to the deferral of this item for one cycle to allow the driver to fully put forward his representations and requested that the review be

conducted no later than the scheduled October meeting of the Committee.

**LIC.13 Review of a Hackney Carriage/Private Hire Driver's Licence**

The Committee received a report from the Corporate Director: Economic Prosperity and Place to review a Hackney Carriage/Private Hire Driver's Licence. The Technical Officer (Licensing) from Worcestershire Regulatory Services led Members through the report giving details as to the reason for the review. He informed Members that the driver had received a police caution and Members were to decide if they remained a fit and proper person to hold a Hackney Carriage/Private Hire drivers License.

The driver addressed the Committee using a pre-prepared statement and answered questions from Members around the incident. The Technical Officer (Licensing) and the driver left the meeting at this point (11:18am) for Members to deliberate their decision. The Solicitor and Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision. The Technical Officer (Licensing) and the driver returned at 11:46am and the Solicitor read out the decision of the Committee.

**Decision: Having reviewed the driver's Hackney Carriage/Private Hire Driver's Licence and carefully considered whether they are 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":**

**Subject to the licensing officer receiving the driver's DBS enhanced check certificate, which was not available at the time of the hearing, confirming that no other cautions or convictions are recorded against the driver, except for the Simple Adult Caution for common assault issued by West Mercia Police as detailed in the report, that notwithstanding the driver's caution for common assault and the guidance contained in the Council's "Guidelines relating to the Relevance of Convictions", they are satisfied, that the driver is a "fit and proper person" to continue to hold a Hackney Carriage/Private Hire Driver's Licence and they are justified in departing from the Council's "Guidelines relating to the Relevance of Convictions" because of the exceptional circumstances presented to the Committee that:**

**The driver has no previous convictions or cautions, and this is their first offence. The driver admitted the offence during the investigation, as a result of which the matter was dealt with through the issue of a simple caution, rather than the more serious criminal proceedings in the court. The driver presented themselves well to the Committee, they appear to have been caught in a challenging situation which resulted in an inappropriate reaction from them; an argument that got out of hand. They have shown remorse and the Police indicate that they do not consider them a danger to the public. The circumstances of the offence, which did not take place in a taxi, do not indicate that the driver presents a danger to the travelling public.**

**As stated above, due to the unavailability of the driver's DBS enhanced**

**check certificate at this hearing and the time that has elapsed since their last DBS check in April 2019, this decision is subject to the licensing office receiving the driver's DBS enhanced check certificate showing no further cautions or convictions and will only take effect upon the relevant licensing officer confirming from the paperwork that there are no other convictions or cautions beyond that detailed in the report. Should the DBS enhanced check certificate disclose further cautions or convictions this decision will not take effect and the matter will have to be referred back to the Committee at the next Committee hearing.**

**The Committee would also like to issue the driver with a warning that should they find themselves on the wrong side of the law again they would have to come back before the Committee and may find their licence in danger of being suspended or revoked.**

There being no further business, the meeting ended at 11:51am.