

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

6 JUNE 2022 (10.30AM)

Present:

Councillors: L Whitehouse (Chairman), A Coleman (Vice-Chairman), G W Ballinger, J F Byng, R H Coleman, B S Dawes, I Hardiman, K Henderson, F M Oborski MBE, M Rayner and C Rogers.

Observers:

There were no members present as observers.

LIC.01 Apologies for Absence

Apologies for absence were received from Councillor P W M Young.

LIC.02 Appointment of Substitutes

No substitutes were appointed.

LIC.03 Declaration of Interests

No declarations of interest were made.

LIC.04 Minutes

Decision: The minutes of the meeting held on 7 February 2022 be confirmed as a correct record and signed by the Chairman.

LIC.05 Draft Hackney Carriage and Private Hire Licensing Policy Review of Consultation Responses

The Committee received a report from the Head of Worcestershire Regulatory Services that requested members to consider all responses received during the recent consultation on the Council's Draft Hackney Carriage and Private Hire Licensing policy, which was produced in response to the publication and recommendations of the Department for Transport guidance entitled "Statutory Taxi & Private Hire Standards".

An updated recommendation for amendments to the scheme of delegation was tabled at the meeting.

The Principal Officer – Licensing, led members through the report and outlined the key issues. He advised that the initial consultation on the draft policy that was presented to the Committee on 6 June 2021, was undertaken over a

12-week period between 22 November 2021 and 14 February 2022. The consultation was then re-opened for a 4-week period from 7 April to 6 May 2022 to provide a further opportunity for stakeholders to respond to the consultation.

The Principal Officer – Licensing, was pleased to report that many of the recommendations set out in the statutory standards were already met within the Council’s existing policies. Any of the new recommendations that were not already being followed had been incorporated into the draft policy.

A discussion ensued. Members felt that it was important that the whole of the district was represented when considering taxi matters and as such, should not be delegated to a Sub committee. The Committee agreed that the system had worked well for many years and consideration of taxi matters should remain with the full committee.

Decision: The Committee:

- 1.1 Having had regard to the responses received during the consultation RESOLVED to approve the draft Hackney Carriage and Private Hire Licensing Policy at “Appendix 1” to take effect on 1st September 2022.**

Approval being subject to any reference to a Sub Committee being replaced with the Licensing Committee.

- 1.2 The Committee recommend that the Council amend the scheme of delegation in section 4 of the Constitution in respect of licensing and registration functions as set out below.**

Amend the opening paragraph of the delegation to read (amendments are shown in bold): “To exercise authority, including approval and refusal, **amendment**, suspension and revocation, **reinstatement**, service of notices and orders or other matters requiring a decision by the Council under the Council’s published policy and practice notes and the following legislation, regulations and guidance (and any re-enactment or replacement or consolidation of the statutes or regulations or guidance, or any modifications or extensions thereof):”

Replace the first two numbered paragraphs of the delegation with these three numbered paragraphs:

“Except in the following cases:

- 1. Where in accordance with the Hackney Carriage and Private Hire Licensing Policy, the application is to be considered by, or a review is to be undertaken by, the Licensing Committee.**
- 2. Where in respect of any licence, other than one covered by the Hackney Carriage and Private Hire Licensing Policy, the**

Officer considers that an application should be considered by, or a review should be undertaken by, the Licensing Committee or Sub Committee.

- 3. The application is for a premises licence or a personal licence under the Licensing Act 2003 and the application is recommended for refusal.**

and the existing paragraph 3 is amended by the deletion of the words in brackets and renumbered as follows:

- 4. Applications by drivers and operators of taxis and private hire vehicles, any application where a statutory or non-statutory consultee, responsible authority or interested person has responded to the application objecting to its approval and the objection has not been deemed vexatious.”**

LIC.06 Any Other Business

A member raised a query regarding the membership of Licensing Sub Committee's. He asked why a Bewdley Ward member would not be invited to sit on a Sub Committee that was considering an application under the Licensing Act 2003 for a premises licence in Bewdley.

The Principal Officer – Licensing explained that all members have the opportunity to make representations on any application within their wards. He added that the Sub Committee was obliged to determine each application on its own merits and with a view to the promotion of the licensing objectives which are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. It must also have regard to the representations made and the evidence it hears.

The Solicitor spoke about the importance of members attending meetings with an open mind and the risk of legal challenge if anybody felt there was preconceived bias.

A discussion ensued. In light of the comments made the Chairman asked Officers to prepare a briefing note for discussion at the next meeting. The Principal Officer – Licensing agreed to include details of the primary legislation regarding Sub Committees.

Decision: Officers to prepare a briefing note relating to the role of the Sub Committee for discussion at the next Committee meeting.

LIC.07 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.08 Application for Grant of a Licence to Drive Hackney Carriage and Private Hire Vehicles

The Committee received a report from the Head of Worcestershire Regulatory Services that asked members to consider and determine an application for the grant of a licence to drive hackney carriage and private hire vehicles.

The Chairman welcomed the applicant and his associate to the meeting. The applicant confirmed that he had received and understood the procedure note for the hearing.

A copy of the applicants Disclosure and Barring Service (DBS) enhanced check certificate and the results of the ACRO Subject Access Request made to West Mercia Police for information held on the Police National Computer was circulated to members.

The Technical Officer (Licensing) presented the report and outlined the key issues. He drew members' attention to the relevant convictions listed on the DBS certificate and declared on the application form.

The applicant addressed the Committee and asked members to support his application. Following questions from members the applicant explained the circumstances surrounding the latest conviction and his previous employment history.

The Chairman invited the applicant's associate to address the Committee. She advised members that she had accompanied the applicant to the meeting in a support capacity. She said that the applicant had received a job offer from a local taxi firm and if his application were successful, it would be a positive step forward in getting his life back on track.

The Technical Officer (Licensing), applicant and his associate left the meeting at this point, (12noon), for members to deliberate their decision. The Solicitor and the Principal Committee and Member Services Officer stayed in the meeting whilst the Committee reached their decision.

The Technical Officer (Licensing), applicant and his associate re-entered the meeting at 12.21pm. 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 5 previous convictions 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 conviction for the first two offences. Over 39 years have passed since the conviction for the third offence, and 29 years have passed since the conviction for the fourth offence.
2. Whilst the fifth offence was an offence involving a course of action which amounted to harassment, over 7 years have passed since the conviction for this offence, the applicant has not been convicted of any further offences since then and the circumstances of the offence do not indicate that the applicant presents a danger to taxi/private hire users.
3. The applicant was honest and upfront about his background and showed a sensible and experienced approach to how he would handle challenging situations as a taxi driver.
4. The applicant presented himself well to the Committee, he is working with job coaches, and it appears to the Committee that the fifth offence was an isolated incident that occurred after many decades of good behaviour, and it also appeared to the Committee that he has learned from his mistake and wants to make a new start in life.

There being no further business, the meeting ended at 12.24pm.