

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

6 FEBRUARY 2023 (10.30AM)

Present:

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

Observers:

There were no members present as observers.

LIC.23 Apologies for Absence

Apologies for absence were received from Councillor I Hardiman.

LIC.24 Appointment of Substitutes

No substitutes were appointed.

LIC.25 Declaration of Interests

No declarations of interest were made.

LIC.26 Minutes

Decision: The minutes of the meeting held on 5 December 2022 be confirmed as a correct record and signed by the Chairman.

LIC.27 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.28 Review of a Hackney Carriage / Private Hire Driver's Licence

The meeting was suspended at 10.33am to allow for the licence holder and his legal representative's late arrival and resumed at 10.40am.

The Chairman welcomed the licence holder and his legal representative to the meeting and explained the order of the proceedings. The Chairman gave members of the Committee a further opportunity to declare any interests.

The Committee received a report from the Principal Officer (Licensing) on behalf of Wyre Forest District Council that presented information to the Committee for it to be able to consider and determine whether an existing licence holder remained a fit and proper person to hold a licence to drive Hackney Carriage and Private Hire Vehicles. The Principal Officer (Licensing) presented the exempt report and outlined the key issues for the Committee to take into consideration when making their decision.

The licence holder's legal representative addressed the Committee and gave further details surrounding the incidents being reviewed. Following questions from the members, the licence holder and his legal representative gave additional information to explain the incidents further.

At 11.28am the meeting was adjourned. The Principal Officer (Licensing), the licence holder and his legal representative left the meeting at this point for members to deliberate their decision in private. The Solicitor, the Principal Committee and Members Services Officer and the Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision.

The meeting resumed at 12.17pm. The Principal Officer (Licensing), the licence holder and his legal representative re-entered the meeting at this point. The Solicitor read out the decision of the Committee.

Decision: Having reviewed the licence holder's Hackney Carriage/Private Hire Driver's Licence and carefully considered whether the licence holder is a fit and proper person to continue to hold such a licence, the Committee have decided, with due consideration of the Hackney Carriage and Private Hire Licensing Policy and the 'Guidelines on the Assessment of Previous Convictions' contained therein:

That the Committee are satisfied, having thoroughly considered the information presented to the Committee at the hearing and having taken into consideration its previous decision dated October 2021 and the decision of the Head of Worcestershire Regulatory Services dated September 2020, that the licence holder remains a fit and proper person to continue to hold a Hackney Carriage/Private Hire Licence for the following reasons:

- 1. The licence holder duly reported the speeding incident as required by the policy and the decisions dated September 2020 and October 2021. In addition, from the information presented to the Committee it appears that the matter was not pursued by the Police and no warning, endorsement or conviction resulted from the incident.**
- 2. The Committee, on the information presented and having given proper weight to the evidence presented to it, are not persuaded that the licence holder falls below the standard required to be a fit and proper person and as such continues to meet the requirements.**

However, despite the above, the Committee wish to advise the licence

holder that he should continue to follow the terms of the decision dated September 2020, and reinforced in the decision dated October 2021, and wish to warn him that should there be any further substantiated incidents of any kind the licence holder's status as the holder of a Hackney Carriage/ Private Hire Driver would have to be considered by this Committee again.

There being no further business, the meeting ended at 12.20pm.