

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

4TH OCTOBER 2021 (10.30AM)

Present:

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

Observers:

There were no members present as observers.

LIC.14 Apologies for Absence

There were no apologies for absence.

LIC.15 Appointment of Substitutes

No substitutes were appointed.

LIC.16 Declaration of Interests

No declarations of interest were made.

LIC.17 Minutes

Decision: The minutes of the meeting held on 2nd August 2021 be confirmed as a correct record and signed by the Chairman.

LIC.18 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.19 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 Senior Practitioner – Licensing from Worcestershire Regulatory Services led Members through the report in detail giving specifics as to the reason for the review.

Agenda Item No. 4

The driver and their legal representative addressed the Committee and answered questions from Members and clarified events around the incident. The Senior Practitioner – Licensing, the Technical Officer (Licensing) the driver and their legal representative left the meeting at this point (11:23am) for Members to deliberate their decision. The Solicitor and Assistant Committee Services Officer stayed in the meeting whilst the Committee reached their decision. The meeting was adjourned at 12:03pm and resumed at 12:12pm. The Senior Practitioner – Licensing, the Technical Officer (Licensing) the driver and their legal representative returned at 12:19pm and the Solicitor read out the decision of the Committee.

Decision: Having reviewed the circumstances of the endorsement and the driver’s Hackney Carriage/Private Hire Driver’s Licence and whether they are a fit and proper person to continue to hold such a licence, the Committee have decided:

That the Committee are satisfied, having considered the details of the endorsement presented to the Committee which triggered the review of the Licence and the fact that the conviction was for a minor traffic offence, that the driver continues to be a “fit and proper person” to continue to hold such a Hackney Carriage/Private Hire Driver’s Licence and the Committee continue to endorse and support the decision of the Head of Worcestershire Regulatory Services dated September 2020 and advise the driver to continue to follow the terms of the same.

And, the Committee themselves wish to warn the driver in the strongest terms that should they receive further endorsements on their DVLA driving licence or receive any conviction or caution of any other offence in breach of the Council’s “Guidelines relating to the Relevance of Convictions”, their status as the holder of a licence to drive Hackney Carriage and private hire vehicles would be considered again and that this could lead to the suspension or revocation of the licence.

LIC.20 Application for a Grant of a Licence to Drive Hackney Carriage/Private Hire Vehicles

The Committee received a report from the Corporate Director: Economic Prosperity and Place which asked the Committee to consider an application for a grant of a licence to drive hackney carriage/private hire vehicles.

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

The Technical Officer (Licensing) took Members through the report giving details of the applicant’s application and driver history informing them that they had failed to declare convictions on their application form and that the applicant had received convictions within the last 4 years.

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 (Licensing) and the

applicant left the meeting at this point (12:43pm) 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 (Licensing) and the applicant returned at 12:57pm 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:

The applicant cannot show the Committee that the 5 year period free from convictions (as recommended by the aforementioned Guidance) has passed since the applicant’s licence was restored, following conviction of a major traffic offence, and due to the severity of the offences which they were convicted between 2012 and 2016, the applicant has not given the Committee exceptional reasons for the Committee to depart from the Guidance.

The applicant failed to declare their previous convictions in their application despite this being a clear requirement of the application process.

The Applicant having received four convictions resulting in driving disqualifications which do not show to the Committee that the Applicant has a good driving record.

There being no further business, the meeting ended at 1pm.