

Open

Licensing and Environmental Committee

Agenda

10.30am
Monday, 6 February 2023
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Licensing and Environmental Committee

Members of Committee:

Chairman: Councillor L Whitehouse
Vice-Chairman: Councillor A Coleman

Councillor G W Ballinger

Councillor R H Coleman

Councillor I Hardiman

Councillor F M Oborski MBE

Councillor C Rogers

Councillor J F Byng

Councillor B S Dawes

Councillor K Henderson

Councillor M Rayner

Councillor P W M Young

Information for Members of the Public:

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Karen Morton, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732740 or email karen.morton@wyreforestdc.gov.uk

Wyre Forest District Council

Licensing and Environmental Committee

Monday, 6 February 2023

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 5 December 2022.	5
5.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
6.	Exclusion of the Press and Public To consider passing the following resolution: "That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "exempt information" as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act".	

Not open to the Press and Public

7.	Review of a Hackney Carriage / Private Hire Driver's Licence To receive a report from the Head of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that presents information to the Committee for it to be able to consider and determine whether an existing licence holder remains a fit and proper person to hold a licence to drive Hackney Carriage and Private Hire Vehicles.	
8.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

5TH DECEMBER 2022 (10.30AM)

Present:

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

Observers:

Observed remotely (open session): Councillor H E Dyke.

LIC.16 Apologies for Absence

Apologies for absence were received from Councillors: K Henderson and M Rayner.

LIC.17 Appointment of Substitutes

Councillor P Dyke was a substitute for Councillor M Rayner.
Councillor P Harrison was a substitute for Councillor K Henderson.

LIC.18 Declaration of Interests

No declarations of interest were made.

LIC.19 Minutes

Decision: The minutes of the meeting held on 3 October 2022 be confirmed as a correct record and signed by the Chairman.

LIC. 20 Review of Fees and Charges for the Council's Licensing and Regulatory Services Function 2023/24

The Committee received a report from the Head of Worcestershire Regulatory Services (WRS) on behalf of Wyre Forest District Council which informed members of the recent review of the Council's Licensing and Regulatory Services Function fees and charges for the financial year 2023/24.

The Principal Officer (Licensing) presented the report and outlined the key issues. He explained that ideally taxi licensing fees and charges should remain broadly cost neutral. However fees in Wyre Forest have been higher than in surrounding areas for many years, and any differences had been exacerbated when the Council had increased its fees in line with the corporate policy of generally increasing fees by 5% a year, when some other councils may have chosen to freeze fees or implement lower increases. He added that Private

hire vehicles can trade anywhere and there has been evidence of some vehicles/drivers switching to being licensed by other neighbouring or nearby authorities.

The Principal Officer (Licensing) further explained that the radical realignment of vehicle and driver licensing fees should involve discussion with the licensed trade about a package of reform that would address other concerns about aspects of licensing policy in Wyre Forest, and the need to see positive progress in moving towards a fleet that was not dependent on fossil fuels. The latter would be consistent with the Council's declaration of a climate change emergency in 2019.

He assured members that a report would be brought back to a future meeting of the Committee to agree changes to the licensing policy as part of the programme of reform, and the structure of taxi and private hire vehicle fees would be subject to review after 12 months.

The Committee discussed the report and were given the opportunity to ask questions about the proposals.

Decision: The Committee:

- 1.1 Noted the contents of the report, in particular the draft Licensing & Environmental Health fees and charges for 2023/24 at Appendix 1, and;**
- 1.2 Resolved to recommend to Council that the proposals for fees and charges within the Council's Licensing, Food, Health, Safety and Pollution Control functions for 2023/24, as detailed in the report, be included in the Council's 2023/24 budget strategy.**

LIC.21 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.22 Review of a Hackney Carriage / Private Hire Driver's Licence

The Committee received a report from the Head of Worcestershire Regulatory Services 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 Chairman welcomed the applicant and his associate to the meeting and explained the order of the proceedings.

A copy of the applicant's Disclosure and Barring Service (DBS) certificate was circulated to members.

Agenda Item No. 4

The Technical Officer (Licensing), presented the confidential report and outlined the key issues. Members were advised that the applicant had notified WRS that he had been convicted of an offence at a Magistrates' Court, as required by the conditions of the Hackney Carriage and Private Hire driver licence.

The applicant and his associate addressed the Committee. Following questions from members the applicant explained the circumstances surrounding the offence.

At 11.47am the meeting was adjourned. The Principal Officer (Licensing), the Technical Officer (Licensing), applicant and his associate left the meeting at this point for members to deliberate their decision in private. The Solicitor, the Trainee Solicitor and the Principal Committee and Member Services Officer stayed in the meeting whilst the Committee reached their decision.

The meeting resumed at 12.42pm. The Principal Officer (Licensing), the Technical Officer (Licensing), the applicant and his associate re-entered the meeting at this point. The Solicitor read out the decision of the Committee.

Decision: Having reviewed the applicant's Hackney Carriage/Private Hire Driver's Licence and carefully considered whether the applicant is a fit and proper person to continue to hold such a licence, the Committee have decided:

That the applicant's Hackney Carriage/Private Hire Driver's Licence is revoked pursuant to s61 (1)(a)(i) Local Government Miscellaneous Provisions) Act 1976 (convicted of an offence of violence) on the grounds that the Committee are not satisfied, with due consideration of the Council's "Guidelines on the Assessment of Previous Convictions", that the applicant remains to be "a fit and proper person" to continue to hold such a Licence in light of the further conviction of the applicant for an Offence involving violence against the person, together with the previous convictions which have been disclosed to the Committee today and at the original licence application hearing, show a pattern of perpetrating violent offences which led the Committee to conclude that the applicant has a lack of control which could endanger members of the public.

There being no further business, the meeting ended at 12.44pm.