

Open

Licensing and Environmental Committee

Agenda

10.30am
Monday, 5 June 2023
Council Chamber
Wyre Forest House
Finpoint Way
Kidderminster



Licensing and Environmental Committee

Members of Committee:

Chairman: Councillor P Harrison
Vice-Chairman: Councillor K Henderson

Councillor J Aston

Councillor P Dyke

Councillor I Hardiman

Councillor S Miah

Councillor C Rogers

Councillor J F Byng

Councillor K Gale

Councillor M McDonnell

Councillor M Rayner

Councillor A Sutton

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.

Disclosure of Interests

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider in advance of each meeting whether they have a disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer in good time before the meeting.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPis and ORIs at the meeting.

Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.

Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where a matter affects the NRI of a Member or co-opted Member, the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required. Again please ensure you have spoken in advance to the relevant legal advisor.

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, Assistant Committee Services Officer, 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, 5 June 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 interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. 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 6 February 2023.	6
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".	

Part 2

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 consider and determine whether a licence holder remains a fit and proper person to continue to hold a licence to drive Hackney Carriage and Private Hire Vehicles.	
8.	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 consider and determine whether a licence holder remains a fit and proper person to continue to hold a licence to drive Hackney Carriage and Private Hire Vehicles.	
9.	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

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

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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.