

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Monday, 9th November 2009 at 9.30 am in Training Room 6, AFC Telford United Learning Centre, New Bucks Head, Wellington, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), R.G.Chaplin (for minute items LC-66 to LC-72 inclusive only), R.E.Groom, Y.C.Hicks, G.P.Hossell, T.Kiernan, C.F.Smith (for minute items LC-66 to LC-72 inclusive only), K.L.Tomlinson and A.G.P.Williams.

LC-66 MINUTES

RESOLVED – that the minutes of the meetings of the Licensing Committee held on the 12th October, 14th October and 21st October 2009 be confirmed and signed by the Chairman.

LC-67 APOLOGIES FOR ABSENCE

Councillors J.A.Francis, A.A.Mackenzie, C.N.Mason and H.Rhodes.

LC-68 DECLARATIONS OF INTEREST

None

LC-69 COMMUNITY GOVERNANCE REVIEW – HADLEY & LEEGOMERY PARISH WARD OF THE PARISH OF HADLEY & LEEGOMERY – AGREEMENT OF TERMS OF REFERENCE DOCUMENT

The Committee received the report of the Head of Legal Services which sought Members comments on a draft Terms of Reference document for the conduct of the Review in connection with the Hadley & Leegomery Parish Ward of Hadley & Leegomery Parish Council. The document that was attached to the report incorporated the main policies that the Borough Council proposed to follow in this Review and its publication would initiate the Review.

Members were reminded that at the Committee's meeting held on 1st September 2009; a letter from Hadley and Leegomery Parish Council requesting that a review be held of the Hadley and Leegomery Parish Ward of their council was considered. The Committee resolved that a Community Governance Review should be commenced by the preparation for the Committee's consideration of a Terms of Reference document. On 25th September 2008 Full Council had delegated authority to deal with all matters relating to Community Governance Reviews to the Licensing Committee.

The Committee were reminded that in the conduct of a Review, the Council had to be mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007 and Guidance on Community Governance Reviews that had been issued by the Department for Communities and Local Government and The Electoral Commission. The first stage of the Review was the drawing up of a Terms of

Reference document. In effect, this document outlined the Council's policies for the conduct of the Review. It aimed to provide as much background information as possible to allow electors and other interested organisations to make informed submissions, while also referring to the legislative framework against which the Review must operate. The Committee were further reminded that the publication of the Terms of Reference would commence the Review, and that the Review must then be completed within twelve months.

Publication of the Terms of Reference document would formally launch the Review, and it would open a suggested two-month period in which initial submissions would be invited. It was pointed out that any submissions that were received together with the policies outlined in the Terms of Reference and the legislative framework would assist in the preparation of a Draft Proposals Document which would outline the future of community governance in the affected area.

The document provided information and the background legislative framework on the issues that were related to a review of the Hadley and Leegomery Parish Ward. There was a great deal of information on the present parish ward, electorate and demographic data, and present electoral arrangements. Members were advised that the legislation placed great emphasis on consultation in a Review, and information was also outlined on how the Council proposed to consult the electors and other interested organisations and the consultation periods that would be allowed in the Review. The key issues in this Review would be whether it was felt to be appropriate to divide the present very large Hadley and Leegomery Parish Ward into smaller wards, the number and boundaries of any new wards, the number of parish councillors that should be elected for any new parish wards, and the names of any new parish wards.

There was also a requirement for the Borough Council to appoint an officer of the Council to act as "Proper Officer" within the Regulations issued under the Act. The Proper Officer was needed to make decisions in respect of the apportionment of the property, rights and liabilities of parish councils where applicable. The Regulations set out criteria to be used by the Proper Officer in making such calculations. It was proposed that the Proper Officer should be the Corporate Director: Resources.

Members were requested to note Annex 5 of the proposed Terms of Reference document in connection with Consultation and Publicity and were further requested to advise whether any other persons or organisations should be consulted. The Chairman enquired as to whether Ketley Parish Council should be consulted together with the relevant Borough Council ward members for that area. She also reinforced that every step should be taken to ensure that the public were fully aware of the consultation. Councillor Greenaway queried as to whether there would be online consultation and she was advised by the Electoral Services Manager that this would be undertaken and that a web site page in connection with this particular review had already been established.

Councillor Tomlinson enquired as to whether the Parish Council published their own Parish Newsletter, which could incorporate details of the Community Governance Review. The Committee was advised that enquiries would be made of the Parish Clerk but consideration would have to be given to the review timetable in deciding

whether any parish publication could be utilised. Councillor Groom enquired as to whether the documentation could be made available within Oakengates Library as this had not been included within the proposed list, and Members were informed that this would be done.

Councillor Groom also enquired about the cost implications to the Council of the review. The Electoral Services Manager confirmed that the cost of the review would be met from within the existing budget of the Service, with the main cost comprising officer time and some postage and publicity costs.

Councillor Greenaway enquired about the projected housing developments that were shown in the document and how any resultant imbalance in the number of electors between potential parish wards would be accommodated. Members were advised by the Electoral Services Manager that any split of the existing parish ward would not need to ensure an equality of numbers of electors but would primarily be based on the need to give separate representation of the different parts of the parish on its parish council. However, in allocating parish councillors to any new wards, there would be a need to ensure parity of representation across the parish.

Overall, the Members' additional consultees to be added to Annex 5 of the Terms of Reference document therefore comprised; the Clerks to Ketley Parish Council and Oakengates Town Council, the local Ward Members for the Ketley and Oakengates Borough Ward, Oakengates Library, and the following places of worship in the parish ward; Holy Trinity Church, Hadley Methodist Church and the Guru Nanak Sikh Temple, together with any additional consultees that the parish council clerk advised the Borough Council of.

RESOLVED – that

- (a) **the Terms of Reference Document as attached to the report be adopted and published by the Committee subject to the amendments to list of consultees contained within Annex 5 of the Terms of Reference Document; and,**
- (b) **the Committee appoints the Corporate Director: Resources as the “Proper Officer” for the purposes of the review.**

LC-70 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-71 MR.L.G. – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Officer and the applicant in accordance with hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the applicant was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his application should be granted subject to the issuing of a strong warning as to future conduct.

LC-72 MR.K.Z. – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council’s Licensing Officer and the applicant in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that consideration and determination of this particular application be adjourned to enable the applicant to undertake and successfully pass the Driving Standards Agency test prior to further consideration by the Committee.

LC-73 MR.D.M. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council’s Licensing Officer and the licensee in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the applicant remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly he could retain his licence subject to the issuing of a strong warning as to future conduct.

The meeting ended at 2.30 pm.

Chairman:

Date: