

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Tuesday, 21st April 2009 at 9.30 am in the Reception Suite, Civic Offices, Telford**

**PRESENT:** V.A. Fletcher (Chairman), E.J. Greenaway (Vice-Chairman), R.G. Chaplin, G.J.L. Davies, J.A. Francis, Y.C. Hicks, T. Kiernan, A.A. Mackenzie, C.N. Mason, K.L. Tomlinson and A.G.P. Williams.

#### **LC-70            APOLOGIES FOR ABSENCE**

Councillors T.J. Hope, G.P. Hossell H. Rhodes and C.F. Smith.

#### **LC-71            DECLARATIONS OF INTEREST**

Councillor A.G.P Williams declared a prejudicial interest in Minute Number LC-72 as he has relatives currently serving as current Parish Councillors of Great Dawley Parish Council and additionally that he is a member of the organising group in relation to the submission of the Community Governance Petition for the Parish of Great Dawley and stated that he would leave the meeting prior to the commencement of this particular agenda item.

Councillor C.N. Mason declared a prejudicial interest in Minute Number LC-72 as he was a current Parish Councillor of Lilleshall & Donnington Parish Council and stated that he would leave the meeting prior to the commencement of this particular agenda item.

The following Members declared their respective personal interests in Minute Number LC-72 but stated that they would remain in the meeting during this particular agenda item:

Councillor V.A. Fletcher – Member of St Georges & Priorslee Parish Council  
Councillor E.J. Greenaway – Member of Lawley & Overdale Parish Council  
Councillors K.L. Tomlinson, R.G. Chaplin and G.J.L. Davies – Members of Wellington Town Council.

*N.B. In accordance with their previous Declaration of Interests Councillors A.G.P. Williams and C.N. Mason left the meeting prior to the commencement of the following item.*

#### **LC-72            COMMUNITY GOVERNANCE REVIEW – PARISHES OF GREAT DAWLEY AND LILLESBALL & DONNINGTON – AGREEMENT OF TERMS OF REFERENCE DOCUMENT**

The report of the Head of Audit & Democracy was received which sought Members comments on and formal approval of the Draft Terms of Reference Document for the conduct of community governance reviews in connection with Great Dawley Parish Council and Lilleshall & Donnington Parish Council. The Terms of Reference Document incorporated the proposed main policies that the Council would follow during the review and the publication of the same would formally initiate the review.

Members were advised that two Community Governance Petitions had been received by the Borough Council seeking the creation of separate parishes for the Dawley parish ward of the parish of Great Dawley and for the Lilleshall parish ward of the parish of Lilleshall & Donnington. The Committee were informed that the petitions had been checked in accordance with the Local Government and Public Involvement in Health Act 2007 and had been judged to be valid.

As a result the Borough Council was therefore required to conduct a Community Governance Review of the affected areas, and the Review would commence with the publication of the Terms of Reference Document, the draft of which was annexed to the report.

Members were advised that in the conduct of the review the Council was required 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 Terms of Reference Document once approved by the Committee would become the Council's policies for how the review would be conducted and also provided as much background information as was possible in order for electors and other organisations to make informed submissions in relation to the review. The document also referred to the legislative framework against which the review would be undertaken. Members were informed that publication of the Terms of Reference Document would formally commence the review which must then be completed within 12 months.

All submissions received during the consultation period would then be used together with the policies outlined to assist in the drawing up of the Draft Proposals for the future of community governance in the affected areas.

The Committee were further informed that in September 2008 Full Council delegated authority to the Licensing Committee to deal with all aspects of Community Governance Reviews. Members were also advised that as part of the reviews there was a requirement to appoint an officer of the Council as the "Proper Officer" – to act in particular regard to the apportionment of any assets and the setting of precepts if the review was to proceed towards the establishment of new parishes. It was proposed that the Proper Officer should be the Corporate Director: Resources.

Following a discussion, it was;

**RESOLVED – that**

- (a) the proposed Draft Terms of Reference Document as annexed to the report be formally adopted and published; and,**
- (b) in accordance with the Regulations issued by virtue of the Local Government and Public Involvement in Health Act 2007 that the Corporate Director: Resources be formally appointed as the "Proper Officer" for the purposes of the review.**

*N.B. Councillors A.G.P. Williams and C.N. Mason returned to the meeting for the remaining agenda items.*

**LC-73            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 information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

**LC-74            PRIVATE HEARING – MR.A.A.**

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

**RESOLVED** – that the Committee was not satisfied that the applicant was a fit and proper person to be granted a licence and therefore his application was refused.

**LC-75            PRIVATE HEARING – MR.M.T.**

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

**RESOLVED** – that the Committee was satisfied that the applicant was a fit and proper person to be granted a licence and therefore his application was granted subject to the submission of a satisfactory medical certificate.

**LC-76            PRIVATE HEARING – MR.P.R.**

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

**RESOLVED** – that the Committee was satisfied that the applicant was a fit and proper person to hold a licence and therefore could be licensed as a Private Hire Vehicle Driver by the Council.

The meeting ended at 3.50 pm

**Chairman:**

**Date:**