

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 26 July 2018 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Colette Birch, Peter Cartridge, Terry Lees, Sue Pimbley, Julie Robinson, Christine Smith, Ann Turner, Matthew Vincent and Lynn Walmsley

Apologies:

Councillor(s) Michael Barrowclough, Sue Catterall, Patsy Ormrod, Shaun Turner and Val Wilson

Other councillors present:

None

Officers present:

Mary Grimshaw - Senior Solicitor
Mandy Seddon – Licensing and Environmental Health Manager
David Parry – Taxi Licensing Officer
Carole Leary – Democratic Services Officer

Members of the public present:

Applicant for Item 5
Applicant and Friend for Item 6

No press attended the meeting.

11 Declarations of Interest

None.

12 Confirmation of minutes

The minutes of the Licensing Committee meeting, held on Thursday 21 June 2018 and the Licensing Sub Committee meeting, held on Tuesday 26 June, were both confirmed as correct records.

13 Exclusion of the Public and Press

That the public and press be excluded from the meeting whilst agenda items 5 & 6 were being considered, because they referred to exempt information as defined in category 1 (information relating to any individual) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.

14 New applicant for a Wyre dual driver's licence with historic criminal convictions

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing committee with information to assist them at a hearing.

The Applicant was present at the meeting, but he was not legally represented.

The Senior Solicitor in the Licensing Manager's absence, introduced the report.

The Applicant spoke to the Committee, explaining the circumstances of his convictions, as set out in the report. He also referred to the additional paperwork that he had brought into the Wyre Council offices on Monday 23 July 2018, which had been circulated to members of the Committee before the meeting.

Members of the Committee and the Senior Solicitor asked questions of the applicant, and he provided explanations of the incidents up to the present date.

The applicant, the Taxi Licensing Officer and the Licensing and Environmental Health Manager left the room whilst the Committee Members considered the application in closed session.

The Licensing Committee reconvened and the Chairman announced the Committee's decision to everyone.

RESOLVED that the applicant be granted a one year Wyre dual driver's licence.

The reasons for the decision were:

The Committee were satisfied that the applicant was a fit and proper person to hold a dual driver's licence.

After listening to his explanation of the matters and the motoring offences, it was considered that there were good reasons to depart from the council's policy as the failure to provide a specimen was over ten years ago and three years had elapsed since the restoration of his driving licence.

The Committee also noted that the applicant had a full clean driving licence and had no recorded criminal or motoring offences in the last 7 years.

It was explained to the applicant how seriously Wyre Council take their duty to protect the travelling public and to assure the public that all drivers of Wyre licensed vehicles are checked and scrutinised to an appropriate high standard. He was also informed that his progress would be monitored throughout the year and if he should commit any offences whatsoever, then he would be brought back before Licensing Committee for consideration.

15 New applicant for a Wyre dual driver's licence with criminal convictions and a motoring offence

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing committee with information to assist them at a hearing.

The Applicant was present at the meeting and supported by his friend, but he was not legally represented.

The Senior Solicitor in the Licensing Manager's absence, introduced the report.

The Applicant spoke to the Committee, explaining the circumstances of his criminal convictions and motoring offence, as set out in the report. He also referred to the additional paperwork that he had brought into the Wyre Council offices on Monday 23 July 2018, which had been circulated to the Committee before the meeting.

His friend also spoke to the Committee in support of, the applicant.

Members of the Committee and the Senior Solicitor asked questions of the applicant, and he provided explanations of the incidents and then up to the present date.

The Applicant, his friend, the Taxi Licensing Officer and the Licensing and Environmental Health Manager left the room whilst the Committee Members considered the application in closed session.

The Taxi Licensing Officer was asked to come back by the Licensing Committee Members, to answer their questions.

The applicant, his friend, the Taxi Licensing Officer and the Licensing and Environmental Health Manager were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision to everyone.

RESOLVED that the Applicant be granted a one year Wyre dual driver's licence, subject to the following conditions:

- The twelve months licence shall expire every 3 months and the Applicant shall submit a new application at the end of every three months for the licence to continue, otherwise it will expire. The application for the further three months will be at no extra cost to the Applicant.
- The Applicant to submit his driving documents to the council once a month, as shall be prescribed by the council.
- The council to carry out a DVLA check on the Applicant every month.
- At the expiry of twelve months to report the matter back to Committee for further consideration.

The Committee also requested that the Applicant's employers send a monthly report to the council about his progress as a taxi driver throughout the twelve months he was licensed.

The reasons for the decision were:

The Committee after considering the applicant's general demeanour, integrity and character were satisfied that he was a fit and proper person to hold a dual driver's licence and after hearing all the evidence presented, considered that this was an exceptional case and that there were compelling reasons to depart from policy.

The Committee gave considerable weight to the fact that there was clear evidence he had turned his life around since his last offence four years ago, which for a young man represented a significant period of his life. The Committee also had regard to the number of commendable references he had submitted, and attached particular importance to the one from the probation service which confirmed he had demonstrated a real commitment to desistance.

The seriousness of the role of a taxi driver was explained to the applicant together with the importance of complying with the restrictions imposed on him.

It was also explained to him how seriously Wyre Council takes its duty to protect the travelling public and to assure the public that all drivers of Wyre licensed vehicles are checked and scrutinised to an appropriately high standard.

He was also informed that the conditions imposed on him, would ensure that his progress would be monitored throughout the year and if he should commit any offences whatsoever, then he would be brought back before Licensing Committee for consideration.

The meeting started at 6.05 pm and finished at 8.12 pm.

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