

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 21 February 2023 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Ballard, Baxter, Beavers, C Birch, Cartridge, P Ellison, Leech, A Turner and S Turner

Apologies for absence:

Councillors George, Smith and A Vincent

Failed to attend or tender apologies for absence

Councillors Matthew Vincent and Williams

Other councillors present:

None.

Officers present:

Mary Grimshaw, Legal Services Manager and Monitoring Officer
Daphne Courtenage, Democratic Services Officer (Temporary)
Mandy Seddon, Manager of Food Health and Safety and Licensing
Wayne Clarke, Senior Compliance Officer

No members of the public or press attended the meeting.

13 Declarations of Interest

None.

14 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on 17 January 2023 were confirmed as a correct record.

15 Exclusion of the public and press

In accordance with Paragraph 11 of the Access to Information Rules in Part 4 of the Council's Constitution, the Chief Executive had determined that the reports submitted under item 5 of the agenda were "Not for Publication" because they contained "exempt information", as defined in Schedule 12A of

the Local Government Act 1972.

The Committee passed the following resolution: "That the public and press be excluded from the meeting whilst agenda item 5 was being considered, as 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 exemption outweighed the public interest in disclosing the information".

The Chair also asked the committee if they were comfortable allowing the applicant's girlfriend and her child in the room whilst in private session. The committee agreed to allow them to remain the room, to support the applicant.

16 Application for the grant of a Wyre dual driver's licence

The Chair introduced the committee and the officers attending the meeting. He asked the applicant's girlfriend and supporter to introduce herself to the committee. He also asked the applicant to confirm that he had understood the procedure for the meeting and that he had been made aware that he could have been represented. The applicant confirmed this.

The Food, Health & Safety and Licensing Manager introduced the report. She highlighted the applicant's past convictions and the relevant policies relating to these. She explained that the response from Lancashire Constabulary regarding more information on these convictions could be viewed at appendix 2, and the response from West Midlands Police at appendix 3 of the agenda pack.

The Chair asked the applicant to confirm that he had understood the content of the report. He then asked him to address the committee and explain why he felt he was a fit and proper person to hold a Wyre Dual Driver's licence.

The applicant addressed the committee. He explained that he had applied for the licence to gain better employment and pay for his family.

Councillor A Turner asked the applicant to clarify his current employment status. He replied that he was a delivery driver doing evening shifts which paid very little.

Councillor Baxter asked the applicant if he had a guaranteed job with a local taxi firm. The applicant confirmed this.

The Chair asked the applicant to expand on the offences listed within the report. The applicant explained the details behind both offences to the committee.

Councillor Baxter also asked the applicant to clarify the speeding offence mentioned within the report, which the applicant addressed.

The Chair asked the applicant for further detail on one of the offences. The

applicant explained in further detail what had happened that led to the conviction, and explained that he had felt pressured to plead guilty but that it had been a false accusation.

The Legal Services Manager asked the applicant for further clarification on the other offence listed within the report, and the breach of the restraining order. The applicant gave details regarding this breach.

The Chair asked the applicant to summarise his case to the committee, and also asked if his supporter would like to add anything to his case. She addressed the committee.

The Chair also asked about an arrest in 2021 in which he was released without charge. The applicant and their supporter responded to the question.

Following questions, the applicant, his supporter and her child, the Manager of Food, Health & Safety and Licensing and the Senior Compliance/Licensing Enforcement Officer left the room whilst the committee members considered the decision.

In reaching its decision, the committee had regard to:

1. Sections 51(1)(a), 53(1)(a) and 59(1)(a) of Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the Act)
2. The Wyre Hackney Carriage and Private Hire Licensing Policy on Convictions (including sections 1.14-15 Departures from Policy, 1.19 Definition of Convictions, 9.1-3 Offences involving violence, 19.1, 19.4 on Non-conviction Information) and other relevant matters

The applicant and his supporter and her child, the Food, Health & Safety and Licensing Manager and the Senior Compliance/Licensing Enforcement Officer were brought back into the room and the Licensing Committee reconvened and the Chair announced their decision.

Decision

The Committee resolved not to grant a licence.

Reasons for the decision

The Committee could not find justification to depart from policy to grant the applicant a licence, as policy clearly stated that any offence involving violence against a person would result in a licence not being granted unless ten years had elapsed since completion of any imposed sentence.

The Committee was satisfied that refusal of the application was appropriate and proportionate and in accordance with the overriding duty of the licensing authority to protect the travelling public. In all circumstances therefore, the Committee was not satisfied that the applicant was a fit and proper person to hold a licence under either and both s51 (1)(a) and s59 (1)(a) of the Act.

They recommended he wait until the rest of the time period stated in the policy had elapsed and perhaps reapply.

The Legal Services Manager outlined the rights of appeal and that a letter setting out the reasons and right of appeal would be sent to him.

The meeting started at 6.01 pm and finished at 6.36 pm.

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