

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 28 March 2023 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Ballard, Baxter, Cartridge, P Ellison, Leech and Matthew Vincent

Apologies for absence:

Councillors C Birch, A Turner and A Vincent

Failed to attend or tender apologies for absence

Councillors Beavers, George, Smith, S Turner and Williams

Other councillors present:

None.

Officers present:

Patrick Cantley, Senior Licensing Officer

Mary Grimshaw, Legal Services Manager and Monitoring Officer

Daphne Courtenage, Democratic Services Officer

Wayne Clarke, Senior Compliance / Licensing Enforcement Officer

George Ratcliffe, Assistant Democratic Services Officer

Nick Clayton, Environmental Health Officer

No members of the public or press attended the meeting.

17 Declarations of Interest

None.

18 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on the 21 February 2023 were approved as a correct record.

19 Unmet Demand Survey

The Corporate Director Environment submitted a report to inform members of the outcome of the 2022 Wyre Hackney Carriage Unmet Demand Survey. This had originally been scheduled for 2021, but owing to the pandemic, this

had been postponed.

LVSA were commissioned to undertake the unmet demand survey and Ian Millership of LVSA attended the meeting virtually to present the findings to the committee.

He raised the following topics to the committee:

- Fleet/Industry issues

He explained that the number of hackney carriage licences had been limited to 160 since 1974, but that this number did not affect the number of private hire vehicles which had been growing but were still lower in comparison to 1997. The number of wheelchair accessible vehicles had halved due to firms swapping these for private hire vehicles. The majority of the firms related to three specific parts of the borough, though some had experienced changes in company structure and Poulton had remained dominated by one company with a mixed fleet.

- Rank activity

Overall, the provision of ranks had remained unchanged, with weekly demand down by 18%; however this trend of decline had reduced from 38% in 2018 despite the pandemic. The top six ranks saw 314 passengers on average per week, but was hard to compare to the last survey which saw 163 passengers weekly across eight ranks, with two now effectively unused. Peak flow had been identified at 01:00 Saturday morning and 22:00 Saturday evening, with this demand now harder to meet due to its peaky nature particularly in Poulton.

- Public consultation

Those consulted stated that they tended to use licenced vehicles more, with the majority using private hire vehicles. Members of the public were quoted saying that they were more confident waiting at ranks for a taxi, with this usage up nine percent. However, the response to whether the public believed there were enough hackney carriages to meet demand had fallen to 48% from 93% in 2018.

- Stakeholder consultation

They had received a minimal response from stakeholders, which was a national issue and not specific to Wyre. Only one of the three responses were aware of a rank and had only identified late arrival of bookings for staff as an issue.

- Disability issues

The survey had identified a reduced level of wheelchair accessible hackney carriage vehicles, with this also seen at ranks. A separate survey for wheelchair accessible vehicles had received 25 responses that identified actions needed across the industry to address this issue, including a change in attitude and operation.

- Trade consultation

They received a higher response from the trade from the last survey with a four percent increase. One respondent had been identified as solely dependent on rank activity, with the rest mainly relying on bookings. On the issue of the peaky night-time demand, 14% responded that they avoided these awkward passenger hours. The trade responded, with 79%, that they felt the number of hackney carriage vehicles was sufficient and

there was a strong support for retaining the current limit.

- Unmet Demand Evaluation

Ian told the committee that formal evaluation showed a strong increase in unmet demand, but that this arose from low levels of rank-based demand. The split of the hackney carriage fleet between three main firms did not help, as well as the strong peaky nature of demand in Poulton. He said that thought and action was needed in Poulton, but this had been an issue pre-pandemic and had been already discussed in the community.

He summarised his report by stating that despite increased waiting times, members of the public were still confident to wait at ranks, but were also confused as to whether booking offices were ranks. Actions were needed to resolve issues at ranks of available hackney carriage vehicles, with the suggestion of marshals in Poulton for safety reasons. Overall, he suggested a working group was necessary between the licensing authority, the trade and those needing adapted vehicles as this was a growing issue.

The Chair thanked Ian and the officers for their work on the survey.

The committee raised questions to the officers on the limit of hackney carriage plates, the distinction between hackney carriage vehicles and private hire vehicles and ways to address the issues raised by the unmet demand survey.

The Senior Licensing Officer explained the limit of hackney carriage plates, which had been set in 1974 with further legislation requiring a survey of this every three years. It was hard for members of the public to differentiate between the two, he said, but that private hire vehicles only took bookings; there were less private hire vehicles due to Covid, as a lot of their work had been airport runs. There was also the issue of taxi drivers not wanting to work at awkward, late hours thus creating a shortfall and impacting the peaky demand. He told the committee that they were looking at ways to address this issue, and this perhaps would be the case when he brought the tariff review to committee again in a few months time.

Following discussion, members acknowledged the conclusions of the Unmet Demand Survey and agreed to reaffirm the Council's position to continue to limit the number of hackney carriage licences to 160.

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Temporary Event Notice - Lancashire College Of Agriculture, St Michaels Road, Bilsborrow on 24th and 25th June 2023

The Corporate Director Environment submitted a report to help the committee consider a Temporary Event Notice (TEN) proposed to cover licensable activities at Lancashire College of Agriculture, St Michaels Road, Bilsborrow on 24th and 25th June 2023.

The Chair introduced the committee and the officers to those present.

The Chair asked the representative of the applicant to introduce herself, and

to confirm that they had submitted all necessary documentation. The representative of the applicant confirmed this.

The Senior Licensing Officer introduced the report. He explained that as the licensing authority, they had received a TEN on behalf of the Lancashire Federation of Young Farmers Clubs (Lancashire FYC) for Lancashire College of Agriculture for the 24th and 25th June 2023. Following submission, it had been circulated to the Environmental Health team at Wyre Council and Lancashire Constabulary, with the EH team objecting as they considered it would undermine the licensing objective of prevention of public nuisance. A hearing was therefore needed to consider the TEN and the objection, and for the committee to conclude whether the event could take place, or to agree with the objection and issue a counter notice advising that the event not go ahead.

The representative of the applicant addressed the committee, outlining the reasons for the submission of the TEN and the nature of the event.

Members raised questions over the capacity of the event and the organisation's previous experience at hosting similar events. The representative clarified to the committee that capacity was capped at 500 but that this number included staff, therefore members were restricted to 450 for the evening event. They had held similar events in the past but not at this location at Myerscough College. She explained that all members of the Lancashire YFC were registered on an online database and when purchasing a ticket, would be checked against this database. Any attendees or guests of those attending would have to give personal details to the hosts, and those attendees under the age of 18 would not be allowed to bring guests.

The Environmental Health Officer addressed the committee. He explained that the main issue was the noise of the recorded music and also potential antisocial behaviour resulting from the event. He told the committee that the suggested noise level of 95 decibels was very loud, and given the rural location felt that it would result in unacceptable levels of noise and public nuisance for properties in the surrounding area; given the flat nature of the land surrounding the event, the noise could very easily travel far from the college buildings. He also raised concerns over the suggestion of monitoring the noise level via a mobile phone app, and would have expected a qualified acoustician to be on site using more accurate and reliable equipment. He said that he had suggested the applicant submit a premises licence application instead of a TEN, as they could then negotiate conditions on the noise level and would have been content with this.

The members asked questions of clarification on the following topics:

- Whether there were any other concerns other than noise and anti-social behaviour
- Whether the officer had been prompted by members of the public or by colleagues to raise the objection
- Would the officer have raised a complaint if the organisation had submitted a premises licence instead of a TEN
- When discussing the submission with colleagues, did they identify any

similar events which had been conditioned and had experienced breaches of conditions

- Whether the officer could estimate the number of residents in the nearby area who could be affected by the noise

The officer responded that he had raised the objection himself as he was concerned mainly about noise from the recorded music, with anti-social behaviour being a secondary concern. He did note that he was more confident that this could be better controlled by the organisers but that concerns would be alleviated through conditions via a premises licence. These would have been negotiated between himself and the applicant, and would only have raised an objection if they could not come to an agreement on appropriate conditions. This had also been raised by colleagues, and he was not aware of any instances of breaches of conditions in the past. He highlighted that though Myerscough College had responded and said that the majority of properties surrounding the proposed event site were owned by the college and therefore would not be affected, that there were other properties in the wider area that had no natural barriers that would provide mitigation to the sound travelling across the open field, and it was the duty of the authority to ensure they were not affected.

The Monitoring Officer asked the representative to clarify why they had chosen to continue with a TEN and not a premises licence as had been suggested. The representative responded that this was to be a one-off event, which was essential to raise funds for the not-for-profit organisation and had previously submitted TENs for this type of event. They had sought support from the owners of the site as well as a Health and Safety Practitioner and had submitted a safety plan along with their TEN to ensure the safety of all attendees with regards to the four licencing objectives. She had only one recollection of a premises licence application which was due to a higher capacity for that event.

Both the Environmental Health Officer and the representative of the applicant summarised their cases to the committee.

Following this, the representative, the Environmental Health Officer, the Senior Licensing Officer and the Senior Compliance/Licensing Enforcement Officer left the room whilst members considered the decision.

In reaching its decision, the committee had regard to:

1. The submission of Lancashire YFC
2. The objection by the Environmental Health team
3. The Licensing Act 2003, specifically Section 182, Section 7 "Revised Guidance", para 7.2,7.6,7.10
4. Wyre's own Statement of Licensing Policy

Decision

The Committee agreed with the objection and resolved to issue a counter notice to prevent the event from going ahead.

Reasons for the decision

The Committee stated their support for the event and understood its nature as a fundraising event for the organisation, but accepted the concerns raised by the Environmental Health Officer about potential noise which could not be adequately controlled via the TENs process and was likely to cause a public nuisance. It was considered that a premises licence be more appropriate to allow for conditions to alleviate concerns.

The meeting started at 6.00 pm and finished at 7.37 pm.

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