

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 28 March 2019 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors C Birch, Cartridge, Catterall, Gibson, Lees, Robinson, Smith, A Turner, S Turner, Matthew Vincent, Walmsley and Wilson

Apologies for absence:

Councillor(s) Barrowclough and Ormrod

Other councillors present:

None.

Officers present:

Niky Barrett – Senior Licensing Manager
Mary Grimshaw – Senior Solicitor
David Parry – Taxi Licensing Officer
Carole Leary – Democratic Services Officer

Members of the public present:

Applicant, accompanied by representative for Item 5 only.
Taxi Driver, relative and Legal representation - Solicitor for Item 6 only.
Applicant for Item 8 only.

No members of the press were present.

Councillor Gibson left the meeting after the decision was taken on Item 6. He did not have any involvement in the discussion or decision taken, on Items 7 & 8.

55 Declarations of Interest

None.

56 Confirmation of minutes

The minutes of the Licensing Committee meeting, held on 31 January 2019, were confirmed as a correct record.

57 Exclusion of the Public and Press

That the public and press be excluded from the meeting whilst agenda item's 5, 6, 7 & 8 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.

58 Hackney Carriage Vehicle Licence to carry 6 passengers

The Service Director Health and Wellbeing submitted a report to provide information to assist them at the hearing to determine whether a Volkswagen Caddy Maxi is suitable to carry six passengers.

The vehicle proprietor was present at the meeting and was supported by the Chairman of the Wyre Hackney Carriage Association.

The Senior Licensing Officer introduced the report.

Members, Officers and the vehicle owner and representative, then inspected the vehicle, parked in the front car park of the Wyre Council offices. Following the inspection, the Licensing Committee meeting reconvened and the vehicle proprietor addressed the Committee. He provided additional information on the vehicle, whilst drawing attention to access and egress details.

The vehicle proprietor and his representative, the Senior Licensing Officer and the Taxi Licensing Officer left the room whilst the Committee Members considered the application in closed session.

The vehicle proprietor and his representative, the Senior Licensing Officer and the Taxi Licensing Officer were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision.

RESOLVED that after inspecting the vehicle and giving careful consideration to all the information provided by the vehicle proprietor; the Committee were satisfied that this vehicle does afford passengers in the rear seats more head and leg room than other MPV's, which have been licensed for six passengers, as both rear door seats can be individually moved.

The Committee also noted that there have been no recorded complaints from any passengers who had been carried in that vehicle, in relation to passenger safety or comfort.

Accordingly, the Committee decided to depart from the policy to vary licence ref: HCV083 and authorise the carriage of up to six passengers for the reasons given above.

The Committee also resolved to delegate authority to the Senior Licensing

Officer to grant a licence to carry six passengers in vehicles on any future applications with the same or substantially similar specification.

59 Complaint about a Licensed Wyre dual driver licence holder

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

The Wyre Council licensed dual driver was present at the meeting and was supported by a family member and was legally represented by his solicitor, who put his case forward to the Committee.

Additional paperwork was published on the council's website and handed out at the Licensing meeting, as this information had been received after the original agenda was published, in the way of two supplementary items.

The Senior Licensing Officer introduced the report and advised the Committee that the complainant had indicated to the Licensing Office that she would be unable to attend the hearing, but had provided a response which she wished to be read out to the Committee.

The Senior Licensing Officer then read out the complainant's response statement.

The driver's solicitor set out his clients' recollection of the day in question, which differed from the account put forward by the complainant. Further, he stated that the complainant should have been present to be questioned about the allegations she had made, as they were totally denied by his client. Members of the Committee and the Senior Licensing Manager asked questions of the Wyre dual driver licence holder, which he answered.

The Wyre Council Taxi Driver, his representative and his legal representative, the Senior Licensing Officer and the Taxi Licensing Officer left the room whilst the Committee Members considered the application in closed session.

The Wyre Council Taxi Driver, his representative and his legal representative, the Senior Licensing Officer and the Taxi Licensing Officer were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision.

RESOLVED that after giving careful consideration to all the information presented, that no action be taken against the driver as the evidence to uphold the complaint was inconclusive. The Chairman reminded the driver that as a Wyre Taxi Driver, the Committee expected him to uphold a high standard of professionalism whilst transporting the general public.

60 Complaint about a licensed Wyre dual driver licence holder

The Service Director Health and Wellbeing submitted a report to inform members of the Licensing Committee to assist them at a hearing.

The Wyre Council Licensed Driver did not attend the meeting. This matter was initially due to be heard by the Committee in February 2019. But a relative of the driver had contacted the Licensing Office to say he was unable to attend. A further invitation to attend this March hearing had been sent out, with a copy of the report and the hearing procedures. The Senior Licensing Officer confirmed that the Licensing Office had received no contact from the Wyre Council Licensed Driver prior to this meeting taking place.

The Licensing Committee deliberated whether to proceed with the hearing at this time and it was decided unanimously to hear the case before it.

The Senior Licensing Officer introduced the report.

The Senior Licensing Officer and the Taxi Licensing Officer left the room whilst the Committee Members considered all the facts of the case.

The Senior Licensing Officer and the Taxi Licensing Officer were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision to the Committee and Officers.

RESOLVED that after careful consideration of the facts of the case and having regard to Section 61 of the, Local Government (Miscellaneous Provisions) Act 1976 and The Wyre Council Policy on Convictions and other Relevant Matters, that in the interests of public safety, the Wyre Council Dual Driver's Licence WDL0650 be revoked with immediate effect under Section 61 (1) (2B) of the Local Government Miscellaneous Provisions Act 1976. A letter setting out the full reasons would be sent to him.

The Senior Licensing Officer to contact the driver on Friday 29 March, 2019 to notify him of the outcome of the decision.

61 New applicant for a Wyre dual driver's licence with convictions

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

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

The Senior Licensing Officer introduced the report.

The applicant spoke to the Committee, explaining the circumstances of the convictions, as referred to within the report.

Members of the Committee and the Senior Licensing Manager asked questions of the applicant, who provided explanations of the incidents.

The Applicant, the Senior Licensing Officer and the Taxi Licensing Officer left the room whilst the Committee Members considered the application in closed

session.

In reaching its decision, the Committee had regard to:

1. The Local Government (Miscellaneous Provisions) Act 1976, paying particular attention to Sections 51(1) (a), and 59(1) (a) of Part 11.
2. The Council's Hackney Carriage and Private Hire Licensing Policy on Convictions and other Relevant Matters Policy – April 2018.

The Applicant, the Senior Licensing Officer and the Taxi Licensing Officer were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision.

RESOLVED not to grant a Wyre Dual Driver's Licence.

The reasons for the decision:

The Committee considered all the written evidence within the report and also gave careful consideration to the verbal explanation given by the applicant, but decided not to grant a Wyre Dual Driver's Licence, as the applicant did not satisfy the criteria in the policy, in particular, sections 7 and 10 and they were not satisfied he was a fit and proper person to hold a driver's licence. Further, the Committee were not able to find any exceptional reasons to depart from the policy under section 1.10.

The Licensing Authority confirmed it has an overriding duty to protect the public when considering the conduct of all licensed drivers. The ongoing scrutiny of the conduct and behaviours of Wyre's licensed drivers, forms part of that process and they want to provide assurance to the public, that all those entrusted to convey passengers, are "fit and proper" to hold Wyre Dual Driver Licences.

A letter setting out the full reasons would be sent to him.

The meeting started at 6.04 pm and finished at 8.34 pm.

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