

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 30 May 2023 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Birch, Ellison, Baxter, Beavers, Leigh, Minto, Moliner, Nicholls, Smith, Swatton and Swift

Absent- apologies received:

Councillor Rushforth

Officers present:

George Ratcliffe, Assistant Democratic Services Officer
Patrick Cantley, Senior Licensing Officer
Mary Grimshaw, Legal Services Manager and Monitoring Officer
Wayne Clarke, Senior Compliance / Licensing Enforcement Officer

No members of the public or press attended the meeting.

1 Election of Chairman

Agreed that Councillor Colette Birch be appointed Chair of the Licensing Committee for the municipal year 2023/24.

2 Election of Vice Chairman

Agreed that Councillor Paul Ellison be appointed Vice Chair of the Licensing Committee for the municipal year 2023/24.

3 Declarations of Interest

None.

4 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on the 25 April 2023 were **approved** as a correct record.

Councillor Baxter asked if there were any plans in place to deal with the

shortage of night time drivers. The SLO explained with regards to the issue of the strong peaky nature of demand in Poulton, which was at the epicentre of the Unmet Demand Survey, there had been discussions into getting a cooperative setup in place for taxi marshals. This scheme would be paid into by some taxi firms and license premises in Poulton to manage the queues at night.

5 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the Chief Executive had determined that the reports submitted under agenda items 7 and 8 of the agenda were "Not for Publication" because they contained "exempt information", as defined in Schedule 12A of the Local Government Act 1972.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 items 7 and 8 were 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."

6 Application to licence a Private Hire Vehicle contrary to emissions standard policy

The applicant for item 7 had not arrived so the Chair proposed to change the order of the agenda and deal with agenda item 8 prior to agenda item 7.

The Chair introduced the committee and the officers attending the meeting.

The applicant introduced himself. The Chair ensured that the applicant had received all necessary information and paperwork for the hearing, and checked that the applicant knew he could have been represented at the hearing.

The Senior Licensing Officer (SLO) introduced the report. He explained that the council's Hackney Carriage and Private Hire Licensing Policy required that all new or replacement diesel fuelled motor cars must be a minimum of Euro 6 emissions rating and as the vehicle had an emissions rating of Euro 5, it therefore fell out of policy and was before committee for that reason.

He explained the applicant's history with the council and the applicant's experience as a private hire driver. He outlined the council's policy in terms of the protection of the environment, new or replacement vehicles needing to meet the emissions standards outlined in the policy and providing the travelling public with reasonably up-to-date vehicles. He highlighted the relevant pieces of legislation and policy that would be useful for the committee to consider when determining their recommendation.

The applicant addressed the committee. He informed them that he was unaware of the new regulations regarding engine classification and was only made aware of them when he brought his documents into the council. He purchased the vehicle in question as it was only what he could afford to buy at the time because any vehicle that had a Euro 6 emissions rating was too expensive.

Councillor Baxter asked the SLO to clarify what exact date the policy linked to Euro 6 emissions came into force and how existing license holders were informed. The SLO confirmed that it took effect from the 1 April 2022, before his arrival at the authority. He explained that the policy was freely available on the website but could not comment on the months before his arrival.

Councillor Beavers raised concerns over how the policy was advertised and how taxi drivers were supposed to know. The SLO explained that the policy change had been before the committee the previous year and therefore it would have been minuted with regards to who was consulted and how was it advertised.

The Monitoring Officer (MO) explained that it would have gone out for consultation to members of the public and taxi firms in particular and then any comments would have been considered before the policy was approved.

Councillor Minto raised concerns over some taxi drivers not being computer literate and therefore unable to access certain information.

Councillor Nicholls highlighted concerns over the lack of taxis and taxi drivers.

The Chair invited the applicant and committee to go and inspect the vehicle being reviewed.

The Democratic Services Officer (DSO) read out the minutes from the 27 September 2021 meeting. The minutes explained that members had previously agreed a draft policy which then went out for public consultation. However, due to the pandemic, the Licensing officers had written individually to every licence holder and had invited comments but had received a poor response. The SLO at the time informed the committee that she could not identify any area that required a change of wording. It was resolved that the draft Hackney Carriage and Private Hire Licensing Policy be approved without alteration and take effect from 1 April 2022. The DSO also read out the minutes from the 22 February 2022 meeting which showed that the policy had been before the committee in recent months.

The applicant reiterated that he did not know about the legislation and it was only what he could afford. He explained that he had been receiving a lot of requests from customers for larger seater vehicles and that he was trying to build his business so that he could keep delivering airport runs.

Councillors raised the following questions/concerns over:

- Disabled friendly

- Use of the new and existing vehicle
- Shift times and locations
- Vehicle size
- Vehicle price

The applicant clarified that the vehicle in question was not disabled friendly and that he would be using both the new and existing vehicles depending on what jobs he received. He explained that his shifts vary from early mornings to late evenings and would mostly be spent outside the borough. The applicant believed there was a shortage of this size of vehicle and reiterated that the price of vehicles had increased.

The applicant and the Licensing Officers left the room to allow the committee to discuss their recommendation in private session.

In reaching its decision, the committee had regard to:

1. The Council's own Hackney Carriage and Private Hire Policy, in particular articles 4.3.7 and 4.3.8
2. The Local Government (Miscellaneous Provisions) Act 1976

The Licensing Committee then reconvened and the Chair announced the decision.

Decision

Grant a vehicle licence contrary to policy.

Reasons for the decision

The Committee, on balance, were happy to grant the licence due to the lack of supply of these larger types of vehicles in the taxi fleet in some areas within Wyre and recognised it would be providing a valuable service, mainly taking members of the public to and from the airport. The Committee carried out an inspection of the vehicle and found it to be immaculate and acknowledged that due to inflation, the price for a Euro 6 vehicle had increased considerably. The Committee considered the requirements of the policy and its aim to manage the emission of noxious fumes and diesel particulates in the Borough. However, they decided that there were valid reasons to depart from policy and grant the licence.

7 Application to licence a Private Hire Vehicle contrary to emissions standard policy

The applicant had still not arrived.

Decision

Defer the application.

Reasons for the decision

The Committee thought that the applicant should attend the next meeting to make it as fair as possible.

The meeting started at 6.08 pm and finished at 7.30 pm.

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