

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 27 June 2023 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Birch, Ellison, Baxter, Beavers, Leigh, Nicholls, Rushforth and Swift

Absent- apologies received:

Councillor Minto

Absent- apologies not received

Councillors Moliner, Smith and Swatton

Officers present:

George Ratcliffe, Assistant Democratic Services Officer
Patrick Cantley, Senior Licensing Officer
Mary Grimshaw, Legal Services Manager and Monitoring Officer

No members of the public or press attended the meeting.

8 Declarations of Interest

None.

9 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on the 30 May 2023 were **approved** as a correct record.

10 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Constitution, the Chief Executive had determined that the report submitted under agenda item 5 of the agenda was "Not for Publication" because it contained "exempt information", as defined in Schedule 12A of the Local Government Act 1972.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 it 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.”

11 Application to licence a Hackney Carriage Vehicle contrary to emissions standard policy

The Senior Licensing Officer (SLO) attended the meeting virtually.

Councillor Rushforth was in attendance but did not participate in the discussion or vote.

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

The applicant and representative introduced themselves. The Chair ensured that they had received all necessary information and paperwork for the hearing.

The 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. The SLO highlighted the importance of this as it managed the emission of noxious fumes and diesel particulates in the Borough. He highlighted the relevant pieces of legislation and policy that would be useful for the committee to consider when determining their recommendation.

Councillor Baxter mentioned the late appendix where the applicant said that he had attached two examples of Euro 6 vehicles which had higher emissions than the vehicle in question. He asked the SLO why these examples were not included in the report. The SLO apologised if he had missed it.

Councillor Nicholls asked the SLO to define new or replacement vehicles.

The Chair referred back to the missing information from the late appendix and asked the Monitoring Officer (MO) to gather this information whilst the applicant and committee went to inspect the vehicle being reviewed.

The representative spoke on behalf of the applicant. The representative highlighted that the vehicle in question had lower emissions than some Euro 6 vehicles. He clarified that the applicant was unaware of the new regulations regarding engine classification and he had asked other taxi drivers, including himself, who had no knowledge on the policy.

The Chair asked the applicant and representative if they had checked the standard of vehicle required by Wyre Council before purchasing the vehicle in question. The representative explained that the firm owner and manager had no problems with the applicant purchasing the vehicle.

The SLO highlighted that the policy and information relating to Euro 6 was on the council's website. He also mentioned that every licence holder had been written to individually.

Councillor Beavers raised concerns over communication and advertising.

Councillor Baxter asked the applicant if he had looked at Euro 6 vehicles. The representative explained that the applicant purchased the vehicle in question as the price for hybrid or electric vehicles were too expensive. He explained that he had looked at hybrid cars worth around £5000 but they had high mileage and were in very bad condition.

Councillor Baxter asked the SLO for an update with regards to the policy and when it was being looked at further. The SLO confirmed that a meeting was happening the following day to discuss that route.

Due to the small number of operators of private hire vehicles, Councillor Nicholls suggested there should have been direct contact with the operators to make them aware of the policy.

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

The microphones were muted so that the SLO could not hear the discussion.

Councillor Beavers had to leave the meeting.

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 considered the requirements of the policy and its aim to manage the emission of noxious fumes and diesel particulates in the Borough. However on this occasion they decided that there were valid

reasons to depart from policy and grant the licence as follows:

- The Committee carried out an inspection of the vehicle and deemed it to be safe and suitable to be licensed and considered that it was in an immaculate condition inside and out.
- The Committee acknowledged the information the applicant had submitted that showed some lower emissions for this type of vehicle than some vehicles with a Euro 6 rating.
- The Committee acknowledged that due to inflation, the price for a Euro 6 vehicle had increased considerably.

The meeting started at 6.00 pm and finished at 7.12 pm.

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