

## Licensing Committee Minutes

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

---

### **Licensing Committee members present:**

Councillors Birch, Ellison, Leigh, Moliner, Nicholls, Rushforth and Swift

### **Absent- apologies received:**

Councillors Baxter, Minto, Smith, Swatton and B Stephenson

### **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.

---

### **25        Declarations of Interest**

None.

### **26        Confirmation of minutes**

The minutes of the meeting of the Licensing Committee held on Tuesday 17 October 2023 were confirmed as a correct record by those who were in attendance.

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Constitution, the Chief Executive had determined that the report submitted under agenda item 5 of the agenda was "Not for Publication" because it contained "exempt information", as defined in Schedule 12A of the Local Government Act 1972.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

28

### **New applicant for a Wyre dual driver's licence with historic driving conviction**

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 Senior Licensing Officer introduced the report. He explained that the applicant was before members to determine whether or not he was a 'fit and proper person' to hold a Wyre Council Dual Driver's Licence.

The representative spoke on behalf of the applicant. The representative highlighted that the applicant had one solitary conviction and prior to this one incident, had never come to the adverse notice of the police. He explained that the applicant was an honest working family man who had never taken risks and held a clean driver's licence.

Councillors raised the following questions/concerns over:

- circumstances behind the conviction;
- current job; and
- completion of the course to reduce the applicant's disqualification.

The representative clarified the magistrates sentencing guidelines.

The applicant, representative and 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 policy on convictions and other relevant matter, in particular section 16 (drink/drug driving)
2. The Local Government (Miscellaneous Provisions) Act 1976

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

### **Decision**

The Committee resolved not to grant a Wyre Dual Driver's Licence, for the following reasons:

### **Reasons for decision**

- The Committee considered that in determining the applicant's fitness and propriety to hold a licence, the offence was serious and very relevant.
- The Committee heard from the applicant about the circumstances of the offence. The applicant stated when breathalysed, it measured 85 (micrograms per 100 millilitres of breath), when the limit is 35.
- The Council's policy stated at 16.1 that a period of 7 years should have elapsed since the completion of any driving ban imposed. Therefore in accordance with 16.1 of the Council's policy, a licence would not be granted until April 2027.
- The Committee considered whether there were any exceptional circumstance to depart from the policy in accordance with section 1.14 of the Council's policy. The Committee noted that otherwise good character and the driving record of an applicant would not ordinarily be considered to be exceptional circumstances.
- After taking everything into consideration, the Committee decided that there were no exceptional circumstances to depart from policy and as 7 years had not elapsed since the ban had been completed, the Committee decided not to grant the licence in accordance with the policy.

The meeting started at 6.07 pm and finished at 6.43 pm.

**Date of Publication:** 4 December 2023