

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Wednesday, 14 December 2022 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Baxter, Cartridge, P Ellison, George and Williams

Apologies for absence:

Councillors Beavers, C Birch, Leech, A Turner, S Turner and A Vincent

Failure to attend or tender apologies:

Councillors Smith and Matthew Vincent

Officers present:

Patrick Cantley, Senior Licensing Officer
Mary Grimshaw, Legal Services Manager and Monitoring Officer
Daphne Courtenage, Assistant Democratic Services Officer
Wayne Clarke, Senior Compliance Officer

No members of the public or press attended the meeting.

4 Declarations of Interest

None.

5 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on the 30 November 2022 were **approved** as a correct record by those who were in attendance.

6 Adjournment of meeting

In order to inspect the vehicles being reviewed at this hearing, upon advice from officers, the Chair asked the committee to agree to adjourn the meeting for 15 minutes.

The committee agreed and adjourned for 15 minutes to inspect both proposed vehicles in the front car park of the Civic Centre.

7 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Constitution, the Chief Executive had determined that the reports submitted under items 5 and 6 of the agenda were "Not for Publication" because they contained "exempt information", as defined in Schedule 12A of the Local Government Act 1972.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 5 and 6 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."

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

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 vehicles must be a minimum of euro 6 emissions rating, with this vehicle being a euro 5 thus falling 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 informed the committee that at para 4.2 of the report which linked the current list of wheelchair accessible vehicles was still out of date, as the update to this list had yet to be actioned.

He explained the details of the vehicle in question to the committee, went through its MOT history with the latest test being the 23 November 2022 with no identified issues. He outlined the council's policy in terms of the protection of the environment, and new and re-licenced vehicles needing to meet the emissions standards outlined in the policy. He highlighted the relevant pieces of legislation and policy that would be useful for the committee to consider when determining their recommendation.

The Legal Services Manager asked the SLO to clarify whether the previous council policy had included this restriction on emissions standards status. He replied that he did not think it had been included.

The applicant addressed the committee. He explained his reasoning behind the purchase of the vehicle in February 2022, in particular its wheelchair

access. He said that he had needed a new vehicle, and struggled during and after Covid to find one that met his requirements and was at a suitable price, in order for him to continue his work with the North West Ambulance Service. He told the committee that he had not been aware of the updates to council policy on emissions standards, only finding out when informed by the officers after he had submitted his application. He was currently not working, and was happy for the committee to consider a granting of the vehicle licence with an 18 month condition for him to be able to purchase a new vehicle that was policy compliant.

The Legal Services Manager asked the SLO to confirm what the length of a vehicle licence was. He said that this was only 12 months, and only applied to new licences. Re-issued licences were not restricted by the policy, as it only covered new and replacement vehicles.

Councillor Baxter asked the SLO if the council had an upper age limit for new licences. The SLO responded that the council did not have an upper age limit for vehicles established in policy. He also asked the SLO to clarify his point on the policy only applying to new and replacement vehicles. He confirmed that there would be a number of vehicles registered that were not policy compliant. Councillor George asked whether the council usually informed taxi firms of changes to policy. The SLO apologised to the committee and said that the policy had come in around the time that he had started at the authority, and that there was a communications error. She also asked to confirm the date of purchase. The SLO confirmed it had been purchased on the 7th February 2022, before the new policy came into play.

The Legal Services Manager asked the applicant to confirm the emissions status of his old vehicle. He confirmed it was also a euro 5.

The Chair asked the applicant about the demand for wheelchair-accessible private hire vehicles.

Following summaries, 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 demand for wheelchair-accessible vehicles and the work the applicant undertook for NWAS. The Committee considered that this invaluable service

to the local community outweighed the requirements in the policy for the vehicle to have an emissions rating of Euro 6 and therefore an exception to the policy was justified.

They did however recommend the applicant update his vehicle within two years.

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

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 reiterated that, as with the last application, the vehicle in question fell outside of the council's policy due to its euro 5 emissions status. He told the committee that the vehicle had been in the applicant's ownership since October 2022, and its latest MOT had not identified any issues. He again told the committee that the policy was designed to ensure all new or replacement hackney carriages and private hire vehicles met modern emissions requirements and provided the travelling public with reasonably up to date vehicles.

The applicant addressed the committee. He informed them that he had been aware of the policy when purchasing the vehicle. He had been purchasing a new vehicle for a potential new driver for his firm, who would help to tackle the demand from Lancashire County Council for work with local schools. He told the committee that he had been sure that the vehicle had been a euro 6 status, and had only found out it was a euro 5 when the officer informed him thus after submitting his application.

Councillor Baxter asked the applicant to clarify how he had attempted to check the emissions status of the car. The applicant responded that the car had been advertised as a euro 6 on eBay, and had clarified this with the seller and informed him how to do so online.

The SLO clarified that a car's registration documents now stated the emissions status of a car, however this had come in late 2018 and any vehicles proceeding this would not have this classification. He said there were a number of services online to check emissions status. He also informed the committee that he had spoken to the car's manufacturer via their website and confirmed the details of the car.

The Chair asked whether this would be flagged during a pre-pit test. The SLO responded that this was not the case.

Councillor P Ellison asked whether either the applicant or the SLO had a copy of the eBay advertisement. The applicant replied that he had only submitted the pictures from the advertisement, and the SLO confirmed that they had received a screenshot but this hadn't included any information on the vehicle.

The Legal Services Manager asked about how the applicant checked the car's emissions status on Parkers Guide, a trusted car reviews website. She asked what exactly the website would show when searching for a car. The applicant replied that he had put in the details of the car, and it had come up with a euro 6 emissions status.

She also asked the applicant about his contract with LCC and local schools; he said that he worked daily, Monday to Friday, picking up young adults and dropping them off home. Contracts could change often, and there was also unallocated work with LCC.

The SLO asked him to clarify the unallocated contract work. The applicant explained that he would pick up and drop off children who went to local secondary schools.

The Chair asked about the impact of a lack of drivers for this type of work. The applicant explained the demand for LCC work, and that the driver he had purchased the vehicle for had previously held an LCC badge.

This was an extra criteria to fulfil for the work.

Following summaries, 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 demand for work with LCC and transporting vulnerable children and young adults. The Committee considered that this invaluable service to the local community outweighed the requirements in the policy for the vehicle to have an emissions rating of Euro 6 and therefore an exception to the policy was justified.

The meeting started at 10.00 am and finished at 11.22 am.

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