

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 17 September 2024 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Birch, Ellison, Leigh, Minto, Moliner, Nicholls, Rushforth, Swift, B Stephenson and C Stephenson

Absent- apologies received:

Councillor(s) Baxter and Smith

Officers present:

George Ratcliffe, Democratic Services Officer
Patrick Cantley, Senior Licensing Officer
Sharon Davies, Senior Solicitor
Lisa Dodd, Legal Services Manager
Emma Cross, Assistant Democratic Services Officer

No members of the public or press attended the meeting.

21 Declarations of Interest

None.

22 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on the 20 August 2024 were **confirmed** as a correct record.

23 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Constitution, the Chief Executive had determined that the report submitted under agenda item 5 of the agenda were "Not for Publication", as defined in schedule 12 A of the Local Government Act 1972.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 they referred to exempt information as defined in category 1 (information

relating to any individual) Variation Order 2006 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information”.

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

The Chair, Councillor Birch introduced the committee and the officers attending the meeting.

The applicant introduced herself and so did her father. The Chair ensured that the applicant had received all necessary information and paperwork for the hearing and checked that the applicant knew she could have been represented at the hearing.

The Senior Licensing Officer introduced the report. He outlined the council's policy in terms of the protection of the environment. That new or replacement vehicles need to meet modern emissions requirements and provide 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. He explained that the vehicle has an emissions rating of Euro 6b, and that Diesel vehicles with this rating are not compliant with the latest version of the emission standard and outside of Wyre's policy.

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

The applicant addressed the committee. She informed that previously she was licensed with Fylde Council, where the car had been pit tested and accepted under their restrictions. However, she explained that she had now moved into Wyre, which has different requirements for euro compliancy, of which she was unaware of before moving. She explained that the car is newly purchased, in good condition, and only used for long distance driving.

The Senior Licensing Officer responded to a question from Councillor Rushforth regarding the necessity of changing licensing authority as a result of relocating. The applicant confirmed that as she lives in Wyre, she is within Wyre Council's restriction, and that Fylde had advised her to re-license with Wyre Council.

Councillor B Stephenson queried whether jobs could be accepted from outside of the licensing authorities' boundary. It was expressed by officers that this was not relevant to the decision.

Councillor Swift asked the applicant to clarify if the car had been fully registered in Fylde. The applicant responded that the application with Fylde hadn't progressed past a pit test on her vehicle due to her relocating.

The Senior Licensing Officer provided clarification on the Euro Status of the car in response to questions from councillors Leigh and Rushforth.

The Chair asked the applicant to clarify if the vehicle had any adaptations that would support disabled passengers. The applicant responded that it did not.

The Chair explained that the Emissions Policy is in line with our authorities' Climate Policy in response to Councillor Minto's question on differences between emissions on a standard test versus a pit test.

The applicant summarised her case, and the applicant's father mentioned that due to their organisation's policy, the car may be replaced in 2-3 years.

The applicant, her father, and the licensing team 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
2. The Local Government (Miscellaneous Provisions) Act 1976

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

Decision

The Licensing Committee determined the starting point is refusal of the application, as this vehicle does not comply with the minimum standards specified in the Council's policy. The Licensing Committee considered whether there was good reason for them to depart from the policy. The Licensing Committee noted the vehicle's age and its current mileage, which is high. The Licensing Committee also considered the reason for the policy, which is to support the Council's policy on mitigating climate change.

Although the Committee have sympathy for the applicant's situation, they were not persuaded to depart from their policy on this occasion. The application was refused.

The meeting started at 6.05 pm and finished at 7.13 pm.

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