

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 27 June 2019 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Robinson, Cartridge, Armstrong, Sir R Atkins, Baxter, C Birch, Swales, S Turner, Matthew Vincent and Williams

Apologies for absence:

Councillor(s) Kay, Smith, Webster and Leech

Other councillors present:

None

Officers present:

Carmel White, Solicitor

Niky Barrett, Licensing Manager

Mandy Seddon, Manager of Food Health and Safety and Licensing

Duncan Jowitt, Democratic Services and Councillor Development Officer

No members of the public or press attended the meeting.

1 Election of Chairman

Councillor Robinson was elected as Chairman.

2 Election of Vice Chairman

Councillor Cartridge was elected as Vice Chairman.

3 Declarations of Interest

Councillor Baxter declared an Other Significant Interest in Item 7 of the agenda – Complaint about a Licensed Wyre Dual Driver Licence holder – as he knew the family member who had come to the meeting to support the licensed Wyre Dual Driver. He left the meeting during discussion of the item in the meeting and did not take part in the decision making.

Councillor Williams declared an Other Significant Interest in Item 8 of the agenda – Complaint about a Licensed Wyre Dual Driver Licence holder – as

he knew both of the referees of the licensed Wyre Dual Driver. He left the meeting during discussion of the item in the meeting and did not take part in the decision making.

4 Confirmation of minutes

The minutes of the Licensing Committee meetings held on 28 March 2019 and 21 May 2019 were confirmed as a correct record.

5 Exclusion of 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Constitution, the Chief Executive had determined that the reports submitted under item's 7 and 8 of this agenda were "Not for Publication" because item's 7 and 8 contain "exempt information", as defined in Schedule 12A of the Local Government Act 1972.

The Committee agreed that the public and press should be excluded for these items and passed the following resolution:

"That the public and press be excluded from the meeting whilst agenda item's 7 and 8 are being considered, as they refer 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 exemptions outweighs the public interest in disclosing the information".

6 Complaint about a licensed Wyre dual driver licence holder

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at the hearing.

The licensed Wyre dual driver licence holder ('the driver') was present at the meeting and was supported by a family member.

The Senior Licensing Officer introduced the report.

The driver spoke to the committee, explaining the circumstances of the matter referred to in the report and his subsequent actions.

Members of the committee and the Senior Licensing Manager asked questions of the driver, which he answered.

The driver and his supporter, the Senior Licensing Officer and the Manager of Food Health and Safety and Licensing left the room whilst the committee members considered the application in closed session.

In reaching its decision the Committee had regard to:

1. Local Government (Miscellaneous Provisions Act) 1976, particularly sections 51(1)(a) , 59(1)(a) and 61,
2. The Council's Hackney Carriage and Private Hire Licensing Convictions and other Relevant Matters Policy – April 2018.

The driver and his supporter, the Senior Licensing Officer and the Manager of Food Health and Safety and Licensing were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision.

Decision

The committee resolved that the driver be issued with a written warning to remain on file for 5 years.

Reasons for the decision

The Licensing Authority confirmed that it has an overriding duty to protect the public when considering the conduct of all licensed drivers. The ongoing scrutiny of the conduct and behaviours of Wyre's licensed drivers forms part of that process and the Licensing Authority want to provide assurances to the public that all those entrusted to convey passengers are "fit and proper" to hold Wyre dual driver licences.

After giving careful consideration to all the information before it, the Committee decided that the appropriate response in the individual circumstances of this case was the issue of a warning letter to remain on file for five years.

Full reasons for the decision would be sent to the driver with the warning letter.

7 Complaint about a licensed Wyre dual driver licence holder

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at the hearing.

The licensed Wyre dual driver licence holder ('the driver') was present at the meeting.

The Senior Licensing Officer introduced the report and advised the committee that the complainant had indicated to the Licensing Office that she would be unable to attend the hearing as she did not live in Great Britain.

The driver set out his recollection of the day in question, which differed from the account put forward by the complainant.

Members of the committee and the Senior Licensing Manager asked questions of the driver, which he answered.

The driver, the Senior Licensing Officer and the Manager of Food Health and Safety and Licensing left the room whilst the committee members considered the application in closed session.

In reaching its decision the committee had regard to

1. Local Government (Miscellaneous Provisions Act) 1976, particularly sections 51(1)(a), 59(1)(a) and 61
2. The Council's Hackney Carriage and Private Hire Licensing Convictions and other Relevant Matters Policy – April 2018

The driver, the Senior Licensing Officer and the Manager of Food Health and Safety and Licensing were brought back into the room and the Licensing Committee reconvened and the Chairman announced the committee's decision.

Decision

The Licensing Committee resolved

1. That the driver's dual drivers licence be suspended for a period of two months
2. That the driver be directed to a further course and to produce evidence of completion of the course within the two month suspension period.

Reasons for the decision

The Licensing Authority confirmed that it has an overriding duty to protect the public when considering the conduct of all licensed drivers. The ongoing scrutiny of the conduct and behaviours of Wyre's licensed drivers forms part of that process and the Licensing Authority want to provide assurances to the public that all those entrusted to convey passengers are "fit and proper" to hold dual Wyre Driver Licences.

After giving careful consideration to all the information presented, the Committee decided that the driver's behaviour had been unacceptable and that a 2 months suspension of the dual driver's licence should be imposed and that the driver should complete an identified e-learning course.

Full written details of the decision would be sent to the driver.

The meeting started at 6.12 pm and finished at 8.03 pm.

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