



Licensing Committee Agenda

Wyre Borough Council
Date of Publication: 18 September 2019
Please ask for : Emma Keany
Democratic Services Officer
Tel: 01253 887476

**Licensing Committee meeting on Thursday, 26 September 2019
at 6.00 pm in the Civic Centre, Poulton-le-Fylde**

1. Apologies

2. Declarations of Interest

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters under consideration.

3. Confirmation of minutes

(Pages 1 - 4)

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 29th August 2019, attached.

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Constitution, the Chief Executive has determined that the reports submitted under items 5, 6 and 7 of this agenda are "Not for Publication" because they contain "exempt information", as defined in Schedule 12A of the Local Government Act 1972.

If the Committee agrees that the public and press should be excluded for these items, it will need to pass the following resolution:

"That the public and press be excluded from the meeting whilst agenda items 5, 6 and 7 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 exemption outweighs the public interest in disclosing the information".

5. Wyre dual driver licence holder with a recent conviction

(Pages 5 - 12)

Report of the Service Director Health and Wellbeing

6. **New applicant for a Wyre dual driver's licence with previous convictions** (Pages 13 - 24)

Report of the Service Director Health and Wellbeing

7. **New applicant for a Wyre dual driver's licence following previous revocation** (Pages 25 - 38)

Report of the Service Director Health and Wellbeing



Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 29 August 2019 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Robinson, Armstrong, Sir R Atkins, Baxter, C Birch, Kay, Leech, Smith, Swales, S Turner, Matthew Vincent and Webster

Apologies for absence:

None

Other councillors present:

None

Officers present:

Mary Grimshaw, Senior Solicitor and Deputy Monitoring Officer

Niky Barrett, Licensing Manager

Wayne Clarke, Senior Compliance Officer

Duncan Jowitt, Democratic Services and Councillor Development Officer

Emma Keany, Democratic Services Officer

No members of the public or press attended the meeting.

16 Declarations of Interest

None

17 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on 25 July 2019 and the meeting of a Licensing Sub-Committee held on 6 August 2019 were approved as a correct record.

18 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 item 5 of this agenda was "Not for Publication" because it contains "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 is being considered, as it refers 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 outweighs the public interest in disclosing the information”.

19 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 Wyre dual driver licence holder ('the driver') was present at the meeting and was supported by three of his friends and colleagues. The complainant was also present.

The Senior Licensing Officer introduced the report.

The complainant spoke to the committee, giving his view of the circumstances referred to in the report.

Members of the committee asked questions of the complainant, which he answered.

The driver and his supporters spoke to the committee, setting out the driver's perspective relating to the circumstances of the matters as outlined in the report.

The driver's supporters spoke in defence of his character and advocating the retention of his licence.

Members of the committee asked questions of the driver, which were answered by the driver and his supporters.

Following a statement by the driver alleging that there was limited visibility into the taxi due to it having tinted windows, the meeting was adjourned for five minutes while members, officers and the complainant accompanied the driver and one of his supporters to inspect the windows of the vehicle, which was parked in the front car park of the Wyre Council offices.

Following the inspection, the Licensing Committee meeting reconvened and continued.

After thorough and pertinent questioning, the driver and his supporters, the complainant, the Senior Licensing Officer and the Senior Compliance Officer left the room whilst the committee members considered the decision in closed

session.

In reaching its decision the committee had regard to:

1. Part II. Local Government (Miscellaneous Provisions Act) 1976 Section 61 and
2. The Wyre Council Policy on Convictions and other Relevant Matters.

The driver and his supporters, the complainant, the Senior Licensing Officer and the Senior Compliance Officer were brought back into the room and the Licensing Committee reconvened and the Chairman announced the committee's decision.

Decision

The committee resolved to revoke the driver's licence with immediate effect under section 61 (b) and (2B) of the Local Government (Miscellaneous Provisions) Act in the interests of public safety.

Reasons for the decision

The Licensing Authority has an overriding duty to protect the public when considering the conduct of licensed drivers. The ongoing scrutiny of the conduct and behaviour of licensed drivers forms part of that process and provides assurance to the public, that all those entrusted to convey passengers, are and continue to be, "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 to revoke the driver's dual driver's licence with immediate effect under section 61 (b) and (2B) of the Local Government (Miscellaneous Provisions) Act.

Full reasons for the decision would be sent to the driver.

The meeting started at 6.15 pm and finished at 8.13 pm.

Date of Publication: 2 September 2019

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank