

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 31 October 2019 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Robinson, Cartridge, Sir R Atkins, Baxter, C Birch, Leech, Collinson, Webster and Williams.

Apologies for absence:

Councillors Kay, S Turner and Matthew Vincent.

Officers present:

Roy Saunders, Democratic Services and Scrutiny Manager
Mary Grimshaw, Senior Solicitor and Deputy Monitoring Officer
Niky Barrett, Licensing Manager
Mandy Seddon, Manager of Food Health and Safety and Licensing
Wayne Clarke, Senior Compliance Officer.

No members of the public or press attended the meeting.

26 Declarations of Interest

None.

27 Confirmation of minutes

The minutes of the Licensing Committee meeting held on 26 September 2019 were confirmed as a correct record.

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Constitution, the Chief Executive had determined that the reports submitted under items 5 and 6 of this agenda were "Not for Publication" because they contained "exempt information", as defined in Schedule 12A of the Local Government Act 1972.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

29 Wyre dual driver licence holder with a recent conviction

The Service Director for 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. He confirmed that he did not want to be represented at the hearing.

The Senior Licensing Officer introduced the report.

The driver spoke to the committee. He explained the circumstances of the events which had led to his conviction and answered questions from members of the Committee.

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

In reaching its decision the Committee had regard to:

- 1 The Local Government (Miscellaneous Provisions Act) 1976, Section 61;
2. The Wyre Council Policy on Hackney Carriage and Private Hire Licensing Convictions and other Relevant Matters.

The driver, the Senior Licensing Officer, the Manager of Food, Health and Safety Licensing 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 Licensing Committee **AGREED**:

1. That the driver’s dual driver’s licence be suspended for a period of one month.
2. That the driver be directed to present his currently licensed vehicle for inspection by the Council 3 times a year, for so long as he was the proprietor of that vehicle.

Reasons for the decision

The Committee confirmed that, in undertaking its role on behalf of the Licensing Authority, it had 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 formed part of that process and the Licensing Authority wanted to provide assurances to the public that all those entrusted to convey passengers were "fit and proper" persons 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 one month suspension of the dual driver's licence should be imposed and that the driver should be required to present his vehicle for inspection by the Council 3 times a year, instead of twice a year as at present.

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

30 Complaint about a licensed Wyre dual driver licence holder

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

The applicant was present and confirmed that he did not wish to be represented at the hearing.

The Senior Licensing Officer introduced the report.

The driver spoke to the committee, explaining the circumstances of the events referred to in the report.

The driver responded to questions put to him by members of the Committee.

After thorough and pertinent questioning, the applicant, the Senior Licensing Officer, the Manager of Food, Health and Safety Licensing and the Senior Compliance Officer left the room whilst the committee members considered the decision in a 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 applicant and his supporter, the Senior Licensing Officer, the Manager of Food, Health and Safety Licensing the and the Senior Compliance Officer were brought back into the room as and the Chairman announced the Committee's decision.

Decision:

The committee **AGREED** that the driver be issued with a written warning to

remain live on file for 2 years.

Reasons for the decision:

The Licensing Authority confirmed that it had 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 formed part of that process and the Licensing Authority wanted to provide assurances to the public that all those entrusted to convey passengers were "fit and proper" persons 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 two years.

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

31 Application to vary Permit GMP0011 in respect of the Bull Hotel

The Service Director Health and Wellbeing submitted a report providing information to enable the Committee to determine an application to vary a gaming machine permit in respect of the Bull Hotel, 2 Blackpool Old Road, Poulton-le-Fylde.

The licence holder had submitted an application to increase the number of Category C gaming machines permitted on the premises, by one, to a total of 6 gaming machines.

The Senior Licensing Officers introduced the report and then members of the Committee debated and considered the application.

DECISION:

The Committee **AGREED** that the application be granted, to increase the number of Category C gaming machines at the premises of the Bull Hotel, 2 Blackpool Old road, Poulton-le-Fylde, FY6 7DH by one, to a total of six.

The meeting started at 6.00 pm and finished at 7.12 pm.

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