



Licensing Committee Agenda

Wyre Borough Council
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Licensing Committee meeting on Thursday, 27 February 2020 at 6.00 pm in the Council Chamber - Civic Centre, Poulton-le-Fylde, 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 3 - 6)

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 30 January 2020, 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Constitution, the Chief Executive has determined that the report submitted under items 5 and 6 of this agenda is "Not for Publication" because it contains "exempt information", as defined in Schedule 12A of the Local Government Act 1972.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 and 6 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".

- 5. Complaint about a licensed Wyre dual driver licence holder** (Pages 7 - 38)

Report of the Corporate Director Environment, attached.
- 6. New applicant for a Wyre dual driver's licence with a recent conviction** (Pages 39 - 54)

Report of the Corporate Director Environment, attached.



Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 30 January 2020 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Robinson, Cartridge, Armstrong, Sir R Atkins, Baxter, George, Kay, Leech, Smith, S Turner, Matthew Vincent, Collinson and Williams.

Apologies for absence:

Councillor C Birch

Officers present:

Emma Keany, Democratic Services Officer
Mary Grimshaw, Legal Services Manager and Deputy Monitoring Officer
Niky Barrett, Senior Licensing Officer
Wayne Clarke, Senior Compliance Officer

No members of the public or press attended the meeting.

35 Declarations of Interest

Councillors Smith and Williams declared a personal non-pecuniary interest for item 5 as they knew the Wyre dual driver licence holder personally. Both considered that the interest may give rise to a perception of a conflict of interest and/or likely to prejudice their judgement and accordingly left the meeting during that item and did not take part in the decision.

36 Confirmation of minutes

The minutes of the Licensing Committee meeting held on 31 October 2019 and the Licensing Sub-Committee meeting held on the 16 December 2019 were confirmed as a correct record.

37 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”.

38 Wyre dual driver licence holder with a recent conviction

The Corporate Director Environment 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 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 and answered questions from members of the Committee.

The driver, the Senior Licensing Officer, and the Senior Compliance Officer left the room whilst 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 and the Senior Compliance Officer were brought back into the room and the Licensing Committee reconvened.

The Chairman announced the committee’s decision.

Decision

The Licensing Committee **Agreed:**

1. That no further action would be taken in regards to the driver.
2. That the Senior Licensing Officer write to the taxi company, which had allowed the driver to fulfil bookings after his licence had expired, to ensure that procedures were put in place so that the administrative error, made in this case, would not be repeated.

Reasons for the decision

The Committee were satisfied that the driver remained a fit and proper person to continue to hold a Wyre Dual Driver Licence and accepted that there were significant mitigating circumstances which had contributed to him committing

the offence.

The Committee were concerned that the Private Hire Operator's due diligence had failed on this occasion and wished to address this shortcoming with a written warning.

39 New applicant for a Wyre dual driver's licence with a recent conviction

The Corporate Director Environment submitted a report to provide members of the Licensing Committee with information to assist them at the hearing.

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

The Senior Licensing Officer introduced the report.

The applicant spoke to the committee and answered questions from members of the Committee.

The applicant, the Senior Licensing Officer, and the Senior Compliance Officer left the room whilst 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, Sections 51(1)(a) and 59(1)(a);
2. The Wyre Council Policy on Hackney Carriage and Private Hire Licensing Convictions and other Relevant Matters.

The applicant, the Senior Licensing Officer and the Senior Compliance Officer were brought back into the room and the Licensing Committee reconvened.

The Chairman announced the committee's decision.

Decision

The Licensing Committee **Agreed**:

1. That the application for a Wyre Dual Driver's licence be granted for a year.
2. That the applicant would come back to committee prior to the expiry of the licence.

Reasons for the decision

The Committee were satisfied that the applicant was a 'fit and proper person' to hold a Wyre Dual Drivers Licence and decided to award the applicant with a year's licence.

Members, after considering all the written and verbal information presented to them, concluded that the applicant posed no risk to members of the public and that there were exceptional reasons to depart from policy.

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

40 Review of Discretionary Licensing Fees and Charges 2020/21

The Corporate Director Environment submitted a report detailing the proposals for the Discretionary Licensing Fees and Charges 2020/21.

The Senior Licensing Officer introduced the report and gave the committee an overview of the legislation regarding licence fees and why there had been an increase to some charges.

There were questions from the committee regarding:

- The methods of sale and the licensing of vertebrate animals,
- The decrease in license fees for Sex Shops,
- Incentives for Taxi Companies and Taxi Drivers to use electric cars,
- A change in legislation, from April 2020, regarding the sale of Puppies and Kittens under six months,
- The discrepancy in the 15 licensed Scrap Metal Dealers due for renewal, before 31st March 2020, and the small number that had renewed their licence.

Agreed:

1. That the proposed fees and charges set out in Appendix 1 would be implemented from 1 April 2020.
2. That the Senior Licensing Officer made arrangements and placed a public notice in the press in respect of the proposed fees for licensed vehicles and private hire operators, in accordance with s.70 of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting started at 6.05 pm and finished at 7.14 pm.

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