

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 25 April 2023 at the Members Lounge - Civic Centre.

Licensing Committee members present:

Councillors Ballard, C Birch, Cartridge, P Ellison and S Turner

Apologies for absence:

Councillors Baxter, Leech and A Turner

Failed to attend or tender apologies for absence

Councillors Beavers, George, Smith, A Vincent, Matthew Vincent and Williams

Other councillors present:

None.

Officers present:

Patrick Cantley, Senior Licensing Officer

Mary Grimshaw, Legal Services Manager and Monitoring Officer

Daphne Courtenage, Democratic Services Officer

Wayne Clarke, Senior Compliance / Licensing Enforcement 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 28 March 2023 were confirmed as a correct record by those in attendance.

23 Proposal for the variation of Hackney Carriage Fares within Wyre Borough - 2023

The Corporate Director Environment submitted a report to provide members with information to assist them at a hearing to consider a proposal from members of the licensed hackney carriage trade within Wyre Borough for a variation in the maximum fares which could be charged by hackney carriages

licensed by the council.

The Senior Licensing Officer introduced the report. He explained to members that following the decision made at the hearing, a report would then need to be brought to Cabinet, and if agreed public advertisement would commence after this decision.

The hackney carriage fares were last considered in June 2022, and had been recommended with a slight amendment to the options; following the recommendation by Cabinet and subsequent advertisement, the fares agreed in 2022 came into effect on the 4 October 2022.

Proposals for a further variation were submitted by the trade in February 2023, with a trade-wide consultation launched in March 2023; the results, seen at appendix six of the report pack, showed a majority vote for option 3 given to the trade which was recommending increases of 15% for tariff 1 and 15.48% for tariff 2. The Senior Licensing Officer pointed members in the direction of appendices seven through nine, which included information on tariff pricing for neighbouring authorities.

The Chair asked members and officers to introduce themselves. He then asked the four attendees, representatives of the trade, to introduce themselves.

Members asked questions of the attendees over the reasoning behind the proposals. They asked about cost pressures for the trade and the impact of the most recent tariff rise.

The attendees expressed concerns about the dramatic increases on euro six vehicles, with maintenance costs rising to 27%. They mentioned that with minimum wage now increased to £10.42, staffing costs had increased dramatically as well. They explained that demands were not just beyond fuel, which had been a main point for the last proposed increase. The trade had shrunk, with many drivers retiring or leaving and there was a lack of incentive to attract new drivers. Many did not want to work the unsociable hours to meet the unmet demand of Poulton night-life, mainly due to financial and safety reasons. The attendees agreed that a better financial incentive would attract drivers to the trade, to replace those leaving, and in order to incentivise drivers to work the unsociable hours. In response to the question on the impact of the last rise, they stated that it had addressed internal costs but they had continued to struggle to recruit drivers. There had been no negative feedback from members of the public on the last rise.

The Chair thanked the attendees and asked them to leave the room while members deliberated.

The committee agreed that members of the trade could not be shielded from inflation, and that it was important to address staffing issues. However, they thought this would potentially not be enough to solve the unmet demand occurring during unsociable hours in Poulton. They were also concerned about members of the public who might not be able to afford a taxi with the tariff increases.

The Senior Licensing Officers drew the committee's attention to appendix nine, and said that the council's immediate neighbours were more expensive; in comparison, Wyre was relatively low on the list for the price of a two mile journey. This would not be affected drastically if the fares were increased in line with the proposals. He also noted that the unmet demand survey brought before members at the last meeting had been relevant at the point of inflation. He responded to a suggestion raised by the trade on making CCTV in vehicles compulsory, and said that this would be a contentious issue. The Chair asked whether the trade would fund the suggested taxi marshals for Poulton. The Senior Licensing Officer responded that only the firms centred in Poulton would be willing to do so, but had been proactive in this suggestion.

Following discussion, the committee resolved to agree with the suggested proposals of option three for the variation in hackney carriage fares. The members of the trade were invited back into the room where they were told of the decision.

24 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 6 and 7 of the 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 6 and 7 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".

25 Wyre dual driver licence holder using a vehicle as a Hackney Carriage without the appropriate licence in place or valid MOT

This item was moved to item 6 of the agenda as members felt that they wanted more time to discuss the other item and did not want the driver to wait longer than necessary.

The Chair asked the officers and members of the committee to introduce themselves.

He then asked the driver to confirm that he had received all relevant paperwork and that he had been made aware that he could have been represented at the hearing. The driver confirmed this.

The Senior Licensing Officer introduced the report. He explained to the committee that the Licensing team had received complaints in relation to the vehicle the driver had been using, and that the vehicle was found to have been driven without a current MOT or valid vehicle licence. It was confirmed by the company secretary that the driver had completed 248 jobs between the 20 December 2022 and 25 January 2023, during which time the vehicle was not licenced and did not have a valid MOT, thus invalidating its insurance.

Councillor Ballard informed the committee that the driver was his barber, but that he did not feel like this would impact on his ability to make an impartial decision. The Legal Services Manager was satisfied with this.

The Chair asked the driver to introduce himself and address the committee. The driver explained to members that he had taken on a second job in November 2022 to provide for his family as a taxi driver for a local firm. He said that in paying the hire fee for the taxi from the firm, he had expected them to be responsible and check the vehicle licence and MOT; he said that he had been unaware of any issues, and mentioned that the owner had also been unaware of this. He told the committee that he would not have used the car if he had known of its issues, and expressed his frustrations with having paid his hire fees. He said that he was still a new driver and still learning about the requirements of the job.

The Senior Licensing Officer asked the driver to confirm whether he had received and read the necessary paperwork when he had received his licence. The driver explained he had not, as he had forgotten to do so. The Chair asked for this to be clarified.

The Legal Services Manager asked the driver to clarify whether he had asked the firm's office about the state of the car; he replied that he had asked many drivers and they had said that the car was fine to drive.

The driver summarised his case. He expressed remorse at the situation and told the committee he was still learning the job.

Following questions, the driver, the Senior Licensing Officer and the Senior Compliance/Licensing Enforcement Officer left the room whilst members considered the decision.

During discussion, it was decided that the committee wanted to hear from the owner of the firm, who was the subject of item 6 of the agenda pack, before finalising their decision.

Following hearing item 7, the group re-entered deliberations for this item, and in reaching their decision had regard to:

1. Part II, local Government (Miscellaneous Provisions) Act 1976, Section 61
2. The Wyre Council Policy on Convictions and other Relevant Matters
3. All information presented within the report and at the hearing

Decision

The Committee resolved to issue a written warning to the driver.

Reasons for the decision

The Committee considered that any further action would not be reasonable or proportionate as the driver was new to the job, and they felt he had been let down by the firm. However, they emphasised to the driver that he needed to read the necessary paperwork and ensure his vehicle was licenced and MOT'd in the future.

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Wyre dual driver licence holder using a vehicle as a Hackney Carriage without the appropriate licence in place or valid MOT, using a licensed Hackney Carriage that had no valid MOT, and a complaint relating to conduct whilst using licensed Hackney Carriage.

This item was moved to item 7 of the agenda as members felt that they wanted more time to discuss this item and did not want the other driver to wait longer than necessary.

The Chair asked the officers and members of the committee to introduce themselves.

He then asked the driver to confirm that he had received all relevant paperwork and that he had been made aware that he could have been represented at the hearing. The driver confirmed this. He also asked the company secretary, who was also in attendance, to introduce herself to the committee.

The Senior Licensing Officer introduced the report. He explained to the committee that the Licensing team had received three separate complaints relating to the driver as well as two vehicles associated with him. He was also the named owner of the firm.

The officer explained to the committee that both vehicles registered to the driver had been allowed to complete jobs with expired MOTs, as well as one vehicle being seen plying for hire whilst its licence had been expired. In both cases, the licence and MOTs were only renewed following contact by the Senior Compliance/Licensing Enforcement Officer. The officer also emphasised the fact that as the named owner, the driver had allowed one of the vehicles to be used by another driver whilst not licenced or MOT'd. There had also been a complaint of the vehicle parking on double yellow lines outside a school, with a statement and picture attached within the report pack. He also noted that the driver had been brought before committee previously in 2019.

The Senior Licensing Officer asked the committee to review the information in front of them and consider the conduct of the driver and owner of the firm, and whether this warranted formal action. There was a potential for this to be referred to the Magistrates' Court.

The driver addressed the committee. He stated that he had been a driver since 2015, and had only been owner and director of the company for six months, and had had little knowledge of the responsibilities.

He said when he had taken over the vehicles, he had not completed proper

checks on them. He said that the dates on the notices of vehicle licence on the cars, usually presented as a sign or sticker, had been incorrect when he had then checked them online. He also had checked the MOT dates as the dates did not match the vehicle licence dates, with the assumption they would be the same. He also explained the details of the previous time he had been brought before committee.

He told the committee that the company secretary, in attendance with him, had taken over the administration of all vehicle licences and MOTs to ensure that all checks were done correctly in future for all drivers and vehicles.

The company secretary added that when the previous owner of the company had sold it, they had not completed a handover and had not explained the full responsibilities of the role to the driver. She said that she had clarified this when it was discovered, and they had brought in measures to ensure this would not be repeated.

The committee asked the following questions:

- What the process was when they took on a new driver and whether they held an induction of their responsibilities
- They asked for further clarification on the 2019 hearing
- Numbers of vehicles registered to the company
- They asked for clarification on the complaint of parking on double yellow lines outside of a school
- Previous employment experience of the driver

They also asked the driver to give his side of the story for the other driver being seen that evening. He clarified that the other driver, like himself, had not known the issues with the vehicle and accepted that it had been his responsibility to carry out the necessary checks.

The driver and company secretary both responded to the questions raised by the committee. They responded that they had not previously taken new drivers through an induction process, and would ensure this happened in future. The driver clarified the details of the hearing from 2019. They had nine vehicles in total registered to the company, with a potential tenth vehicle. The driver disagreed with the complaint of the parking, stating it had not been him and that he had not had previous discussions with the complainant about his parking. He told the committee that prior to being a taxi driver, he had owned a takeaway before 2015. He informed the committee that he had thought the dates for the Mot and vehicle licence would be the same, and officers clarified that they were often similar but would not usually be the same date.

Officers later clarified to the committee that the complainant who had raised issues about the parking had confirmed that they could not be sure of the identity of the driver on the day the picture and statement were taken, but did state that they had had conversations with the driver over his parking outside the school.

The driver summarised his case, and the company secretary gave assurances to the promises he made within his statement.

Following questions, the driver, the company secretary, the Senior Licensing

Officer and the Senior Compliance/Licensing Enforcement Officer left the room whilst the committee considered the decision.

In reaching its decision, the committee had regard to:

1. Part II, local Government (Miscellaneous Provisions) Act 1976, Section 60 and 61
2. The Wyre Council Policy on Convictions and other Relevant Matters
3. All information presented within the report and at the hearing

Decision

The Committee resolved to suspend the driver's Wyre Dual Drivers' Licence for three months, and to take no further action on the two vehicle licences.

Reasons for the decision

The Committee considered that the driver had not understood his responsibility as a driver and as the owner of the company and were satisfied that the contraventions were serious enough to warrant a suspension. The Committee were inspired by the company secretary's dedication to the company and considered that the three month suspension would act as a deterrent but would also give the driver an opportunity to shadow the company secretary and learn more about the company.

The meeting started at 6.02 pm and finished at 8.34 pm.

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