

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 22 August 2023 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Birch, Ellison, Baxter, Leigh, Minto, Nicholls, Rushforth, Smith, Swatton and Swift

Absent- apologies received:

Councillors Moliner and B Stephenson

Officers present:

George Ratcliffe, Assistant Democratic Services Officer
Mary Grimshaw, Legal Services Manager and Monitoring Officer
Mandy Seddon, Manager of Food Health and Safety and Licensing
Wayne Clarke, Senior Compliance / Licensing Enforcement 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 Tuesday 18 July 2023 were **confirmed** as a correct record by those who were in attendance.

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Constitution, the Chief Executive had determined that the report submitted under agenda item 5 of the agenda was "Not for Publication" because it contained "exempt information", as defined in Schedule 12A of the Local Government Act 1972.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 item 5 was being considered, as it 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.”

19 Application to licence a Hackney Carriage Vehicle contrary to emissions standard policy

The Chair introduced the committee and the officers attending the meeting.

The applicant introduced himself. The Chair ensured that the applicant had received all necessary information and paperwork for the hearing, and checked that the applicant knew he could have been represented at the hearing.

The Senior Compliance/Licensing Enforcement Officer introduced the report. He explained that the council’s Hackney Carriage and Private Hire Licensing Policy required that all new or replacement diesel fuelled motor cars must be a minimum of Euro 6 emissions rating and as the vehicle had an emissions rating of Euro 5, it therefore fell out of policy and was before committee for that reason.

The Senior Compliance/Licensing Enforcement Officer explained the applicant’s history with the council and the applicant’s experience as a private hire driver. He outlined the council’s policy in terms of the protection of the environment, new or replacement vehicles needing to meet the emissions standards outlined in the policy and providing the travelling public with reasonably up-to-date vehicles. He highlighted the importance of this as it managed the emission of noxious fumes and diesel particulates in the Borough. He highlighted the relevant pieces of legislation and policy that would be useful for the committee to consider when determining their recommendation.

The Chair invited the applicant and committee to go and inspect the vehicle being reviewed.

The applicant addressed the committee. He informed them that he had been a taxi driver for 36 years. He explained that he had ordered a new Euro 6 hybrid vehicle worth £38,000 (New Vehicle) which had an expected delivery date of February 2024 at the latest and therefore had purchased a second hand vehicle for him and two other drivers to use in the meantime.

Councillors asked the following questions:

- If the new vehicle had any features that would support disabled people
- Why the applicant purchased a Euro 5 vehicle
- Did the applicant think to ask the council about the emissions policy
- If the applicant had an up to date first aid kit

The applicant clarified that the new vehicle was not disabled friendly. He explained that he purchased the temporary Euro 5 vehicle as he did not know

about the emissions policy and therefore did not ask anyone about it. The applicant assured the committee that his first aid kit would be up to date.

The applicant and the Licensing Officers left the room to allow the committee to discuss their recommendation in private session.

In reaching its decision, the committee had regard to:

1. The Council's own Hackney Carriage and Private Hire Policy, in particular articles 4.3.7 and 4.3.8
2. The Local Government (Miscellaneous Provisions) Act 1976

The Licensing Committee then reconvened and the Chair announced the decision.

Decision

Grant a vehicle licence in respect of a Ford Mondeo car registration EK13VEM (Temporary Vehicle) contrary to policy on the following terms:

- The Licence is granted for a temporary period until 29 February 2024.
- Should there be a delay in the delivery of the New Vehicle and it has not been delivered and licensed by 29th February 2024 as a hackney with Wyre Council then this licence will continue on a month by month basis up to a maximum of twelve months from the date the Temporary Vehicle was first granted a licence.
- Upon delivery of the New Vehicle, Mr Evan shall apply immediately for a hackney vehicle licence for the New Vehicle with Wyre Council.
- Should the New Vehicle arrive earlier than the expected date in February 2024, then the applicant shall immediately apply for it to be licensed with Wyre Council and if the New Vehicle is licensed before 29 February 2024 then the licence for the Temporary Vehicle shall expire immediately on the granting of a hackney licence for the New Vehicle.
- The licence for the Temporary Vehicle shall cease immediately on the granting of the New Vehicle licence, so there will only be one hackney vehicle licence in place at any one time (either the licence for the Temporary Vehicle or the New Vehicle).

Reasons for the decision

The Committee considered all the information before it and in particular the requirements of the policy and its aim to manage the emission of noxious fumes and diesel particulates in the Borough. However on this occasion they decided that there were valid reasons to depart from policy and grant the licence for the following reasons:

- The Committee carried out an inspection of the Temporary Vehicle

and deemed it to be safe and suitable to be licensed and considered that it was in an immaculate condition inside and out.

- The Committee acknowledged the information the applicant submitted which confirmed the purchase of the New Vehicle and its expected delivery date by February 2024 at the latest. The Committee considered the circumstances to be an exceptional reason to depart from policy and grant a shorter licence for the Temporary Vehicle to cover this period before the New Vehicle is delivered.
- The Committee considered a temporary licence on the terms above were reasonable and proportionate in the circumstances.

The meeting started at 6.00 pm and finished at 6.37 pm.

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