

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 15 October 2024 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Birch, Ellison, Baxter, Leigh, Moliner, Nicholls, Rushforth, Swift, B Stephenson and C Stephenson

Absent- apologies received:

Councillor(s) Minto and Smith

Officers present:

Emma Cross, Assistant Democratic Services Officer
Patrick Cantley, Senior Licensing Officer
Catherine Greener, Legal Executive
Sharon Davies, Senior Solicitor

No members of the public or press attended the meeting.

30 Declarations of Interest

None.

31 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on the 17 September 2024 were **confirmed** as a correct record.

32 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Constitution, the Chief Executive had determined that the report submitted under agenda item 5 of the agenda were "Not for Publication", as defined in schedule 12 A of the Local Government Act 1972.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 they referred to exempt information as defined in category 1 (information relating to any individual) Variation Order 2006 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the

information”.

The Chair, Councillor Birch reminded members of the procedures to be followed during licensing hearings.

The Senior Licensing Officer informed that the applicant had been delayed.

The Chair then adjourned the meeting from 6:08pm. The meeting resumed at 6:20pm once the applicant had arrived.

33 Application for a Wyre dual driver's licence

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

The applicant introduced himself. He was accompanied for assistance. 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 Licensing Officer introduced the report. He explained that the applicant was before members to determine whether he was a 'fit and proper person' to hold a Wyre Council dual driver's licence. He provided that the applicant had previously been before the Licensing Committee, where they had refused the application on the basis that the applicant did not meet the required standards of medical fitness. He addressed the medical advice from the council's occupational health, and the clerical error from the applicant's GP.

The Senior Licensing Officer responded to a question from Councillor Baxter regarding the occupational health's verdict on the latest information. The Chair asked the applicant to clarify if he had received any further information from the DVLA.

The applicant addressed the committee. He explained that he stopped drinking two years ago, and currently had no issues with alcohol. He clarified that being classed as alcohol dependent was a clerical error. He added that he considered himself fit and ready to drive. His company further provided that the practice responsible for the clerical error, have apologised. He addressed that while the applicant had previously misused alcohol, he was not alcohol dependant, and had the error not occurred he would not need to be before committee. He explained that everything raised by the Occupational Health Adviser was addressed, and that they resubmitted the medical evidence but that they were still awaiting a response from the DLVA.

The Senior Licensing Officer responded to a question from Councillor Baxter regarding what comes before the Licensing Committee.

The applicant responded to questions from councillors regarding:

- If he had received any written evidence stating he was fit to drive.
- How long he had been waiting for a response from the DLVA.
- If the DVLA had given an initial timeframe.

- When would his group 1 license become indefinite.
- When did the applicant receive his license back.

The applicant responded to a number of questions from councillors regarding his previous alcohol misuse and current health. Specifically, how long it had been since he had last had alcohol, the tests and treatment he had undertaken, the results of those tests, if he had any persisting health conditions, and how previous conditions had been mitigated.

The Senior Licensing Officer responded to a question from Councillor Leigh regarding the time abstained from alcohol needed to qualify for a Group 2 driving license.

The Senior Licensing Officer responded to a question from Councillor Rushforth about if the occupation health report was incorrect.

The Senior Licensing Officer responded to a question from Councillor Baxter and Councillor Nicholls regarding the relevance of the DLVA's report given the other evidence received, and if the committee should be considering the application against the requirement for alcohol misuse rather than alcohol dependence.

The applicant was invited to summarise his case.

The applicant, his company, and the Senior Licensing Officer 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
2. The Local Government (Miscellaneous Provisions) Act 1976

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

Decision

The underpinning aim of the licensing system was to protect the public. To support this, Wyre Council's policy was that they would only licence drivers who could meet Group 2 standards. The Council's Occupational Health Adviser, their expert in medical matters, had expressed the opinion that based on the current evidence available, DVLA considered this case to be one of alcohol dependence. DVLA's view might have changed once they considered the further medical evidence, but the Council needed to consider the position as it stood at that time. The Licensing Committee was, however, aware of the length of time the applicant had previously held a licence with the Council and the fact that it was likely he was not classed as meeting Group 2 standards now as a result of a mistake by his doctor. While the Licensing Committee was unable to grant the application at that time, the application was agreed in principle, and the Licensing Committee delegated to officers the power to issue a licence once satisfied that Group 2 medical standards were met, either by way of a letter from DVLA confirming that the case was considered

as alcohol misuse, or by remaining abstinent until May 2025, whichever was the earlier.

The meeting started at 6.00 pm and finished at 7.41 pm.

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