



## Licensing Committee Minutes

Minutes of the meeting of the Licensing Committee of Wyre Borough Council held on Thursday 27 October 2016 at the Civic Centre, Poulton-le-Fylde.

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### Licensing Committee members present:

Councillor M Anderton	Councillor Ormrod
Councillor Barrowclough (for LIC.23 only)	Councillor Pimbley
Councillor C Birch	Councillor Robinson
Councillor Bridge	Councillor Smith
Councillor Collinson	Councillor Matthew Vincent
Councillor Moon	Councillor Wilson

**Apologies for absence:** Councillor Beavers, Councillor Holden and Councillor Barrowclough for arriving late.

### Officers present:

C Ferguson, Licensing Manager  
M Grimshaw, Senior Solicitor  
D Parry, Taxi Licensing Officer  
R Saunders, Democratic Services and Scrutiny Manager.

**Non-members present:** None.

**Members of the public present:** Mr H (for Item 6 only). Mr and Mrs Farrington (for item 7 only).

No Members of the Press were present.

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### LIC. 19      **Declarations of interest**

None.

### LIC. 20      **Confirmation of minutes**

The minutes of the Licensing Committee meeting held on Thursday 29 September 2016 were confirmed as a correct record.

**LIC. 21 Exclusion of the Public and Press**

**RESOLVED** that the public and press be excluded from the meeting whilst agenda item 6 was being considered, because 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 exemptions outweighed the public interest in disclosing the information.

**LIC. 22 Failure of Wyre Licensed driver to report a motoring offence (Mr H)**

The Service Director Health and Wellbeing submitted a report to provide members with information to assist them at a hearing relating to a Wyre licensed driver who had failed to report a motoring offence during the currency of his licence and had continued to exhibit an extremely poor standard of driving.

Mr H was present at the meeting, but was not legally represented.

Mr H spoke to the committee, explaining the circumstances of his latest motoring offence and the reasons for his failure to present his documents in accordance with the provisions of the “3 month rule” as had been required by the Licensing Committee at a previous hearing on 26 February 2015.

Mr H responded to questions asked by Members of the Committee.

Members retired to consider the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee’s decision.

**RESOLVED** that Mr H’s licence be revoked.

The reasons for the decision were:

- The Committee considered that the number and nature of previous offences committed by Mr. H, compounded by his failure to comply with the “3 month rule” imposed by the Licensing Committee on 26 February 2015 or to take notice of the clear written warning sent following that hearing were sufficiently serious to relate to Mr. H’s fitness to hold a licence in Wyre.
- The Committee considered that Mr H’s explanation for his failure to comply with the “3 month rule” due to an oversight was not acceptable.
- The Committee noted that Mr. H had committed the further speeding offence within 4 months of him being warned about his future conduct at the Licensing Committee on 26 February 2015 and expressed their lack of confidence, in the light of previous experience, that Mr H would be able to deliver the improved future behaviour he had promised.

- The Committee noted that the speeding convictions on 21 January 2015 and 2 March 2016 occurred whilst he was driving his taxi and considered that the totality of Mr H's very poor driving record, displays a continuing disregard for the safety of his passengers and other road users.
- The Committee also noted that the Council had no record of Mr H reporting the speeding conviction dated 2 March 2016, despite it being a condition of his licence that all convictions are promptly reported to the Council. The Committee were not entirely satisfied with Mr H's assertion that he had handed a letter to the Council notifying them of the conviction.
- The Committee has an overall duty to protect the public of Wyre who may travel by taxi and have to ensure their overall safety. In exercising this function they have to be satisfied that drivers are fit and proper to carry out this role.

Having taken everything into account, the Licensing Committee was not satisfied that Mr H was a fit and proper person to hold a Dual Drivers Licence for Wyre Council.

Mr H was told that a decision letter would be sent to him and was informed of his right of appeal— under S61 2a of the Local Government (Miscellaneous Provisions) Act 1976.

#### **LIC. 23**

#### **Private hire vehicle licence plate exemption request for executive services**

The Service Director Health and Wellbeing submitted a report to provide members with information to assist them at a hearing relating to a request from a Wyre private hire operator for dispensation from displaying plates and signage on private hire vehicles licensed by Wyre Council when working on executive services .

The applicants, Mr and Mrs Farrington, were present at the meeting, but were not legally represented.

Mr Farrington explained that he wished to concentrate on the provision of executive chauffeuring service, in order to grow his business. His current and potential future clients wanted anonymity for privacy and security reasons.

Mr Farrington responded to questions asked by Members of the Committee.

Members retired to consider the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

**RESOLVED** that Mr Farrington be granted a dispensation from displaying plates and signage on private hire vehicles licensed by Wyre Council when working on executive services, subject to a condition defining “executive services” to be set out in the decision letter to be sent to Mr Farrington. However, the internal plate must be displayed in the windscreen at all times. In addition, if vehicles are carrying passengers on non-executive journeys the external plates and private hire signs must be displayed.

The reason for the decision was that members of the Committee were satisfied that there was a genuine need for privacy and anonymity when providing the type of service proposed by Mr Farrington.

The meeting started at 6.00pm and finished at 7.35pm

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