

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 30 August 2018 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Michael Barrowclough, Terry Lees, Sue Pimbley, Julie Robinson, Christine Smith, Ann Turner, Matthew Vincent, Lynn Walmsley and Val Wilson

Apologies:

Councillor(s) Colette Birch, Peter Cartridge, Sue Catterall, Patsy Ormrod and Shaun Turner

Non-members present: None

Officers present:

Niky Barrett – Licensing Manager
Mary Grimshaw – Senior Solicitor
David Parry – Taxi Licensing Officer
Mandy Seddon – Manager of Food Health & Safety & Licensing
Carole Leary – Democratic Services Officer

Members of the public present:

Applicant, accompanied by a Director of the Taxi firm for Item 5 only.
Applicant for Item 6 only.

No members of the press were present.

Councillor Matthew Vincent left the meeting after the decision was taken on Item 5. He did not have any involvement in the discussion or decision taken, on Item 6.

23 Declarations of Interest

Councillor Robinson declared an Other Significant Interest in Item 5 – Complaint about a Licensed Wyre Dual Driver Licence holder – as she has used that particular taxi firm and also knows one of the Directors of that company, as he is a Stalmine Parish Councillor, who had come to the Licensing meeting, to support the licensed Wyre Dual Driver. She was satisfied though, that as she did not know the licensed Wyre Dual Driver, that this would not prejudice her judgement, nor give rise to a conflict of interest and therefore she stayed in the meeting and took part in the decision making.

Councillor Pimbley also declared an Other Significant Interest in Item 5 – Complaint about a Licensed Wyre Dual Driver Licence holder – as she has used that particular taxi firm too. She was satisfied though, that as she did not know the licensed Wyre Dual Driver, that this would not prejudice her judgement, nor give rise to a conflict of interest and therefore she stayed in the meeting and took part in the decision making.

24 Confirmation of minutes

The minutes of the Licensing Sub-Committee meeting held on Tuesday 7 August, 2018, were confirmed as a correct record, by both Cllrs Robinson and Smith and unanimously agreed by the Committee.

25 Exclusion of the Public and Press

RESOLVED That the public and press be excluded from the meeting whilst agenda items 5 & 6 were being considered, because 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 exemptions outweighs the public interest in disclosing the information.

26 Complaint about a licensed Wyre Dual Driver Licence holder

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing. To determine as to whether or not a licensed Wyre Dual Driver can still be considered a fit and proper person and still eligible to hold a Wyre Council Dual Driver's Licence.

The licensed Wyre Dual Driver was present at the meeting and was supported by a Director of the taxi firm he works for, but he was not legally represented.

The Licensing Manager introduced the report.

The Taxi Driver spoke to the Committee, explaining the circumstances of the incident and provided an account of what took place that night, as referred to within the report.

The Taxi Driver answered questions from the Members. The Director of the taxi firm employing the Taxi Driver also spoke in support and answered questions from the Members.

The Taxi Driver, the Director, the Taxi Licensing Officer, the Licensing Manager and the Manager of Food Health & Safety & Licensing then left the room whilst the Committee Members considered the case in closed session.

The Licensing Committee then reconvened and the Chairman announced the Committee's decision to everyone.

RESOLVED that the Licensed Wyre Dual Driver is eligible to hold a Wyre Council Dual Driver's Licence, but that he be suspended for a two week period (to take place 22 days after receipt of the decision letter) together with a written warning, which will be placed on file.

The reasons for the decision were:

The Committee acknowledged that this was a serious matter but considered it to be an isolated moment of misjudgement, that was unlikely to be repeated. The Committee noted how remorseful he was about the incident which appeared to be genuine and also noted his full cooperation with the Council's investigation. The Committee considered a suspension of 4 weeks to be reasonable, but noted that he had already been suspended for two weeks by his employer and therefore considered a further two week suspension to be a sufficient deterrent and was a reasonable and proportionate period in the circumstances. In reaching this decision, the Committee noted that he had held Wyre driver's licences for almost 5 years and he had a clear full driving licence with no prior criminal convictions. Also, he had never been before the Committee previously and that this was the first complaint that the Local Authority had received.

The Licensing Authority confirmed it has an overriding duty to protect the public when considering the conduct of licensed drivers. The ongoing scrutiny of the conduct and behaviour of licensed drivers, such as this one, before Members at this meeting, forms part of that process and wants to provide assurance to the public, that all those entrusted to convey passengers, are and continue to be, "fit and proper" to hold Wyre Dual Driver Licences.

27

New applicant for a Wyre Dual Driver's Licence with historic criminal convictions and a motoring offence

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing. Additional letters of support for the applicant, which had been received after the agenda had been published, were handed out to the Committee.

The Applicant was present at the meeting, but was not legally represented.

The Licensing Manager introduced the report.

The applicant spoke to the Committee, explaining the circumstances of her past offences, as referred to within the report with regard to her past conduct.

Members of the Committee and the Licensing Manager asked questions of the applicant, and she provided explanations of the incidents up to the present date, where she confirmed to the Committee, a current motoring offence.

The applicant, the Taxi Licensing Officer, the Licensing Manager and the

Manager of Food Health & Safety & Licensing then left the room whilst the Committee Members considered the application in closed session.

The Licensing Committee then reconvened and the Chairman announced the Committee's decision to everyone.

RESOLVED that Wyre Council on this occasion were not willing to grant a Wyre Dual Driver's Licence.

The reasons for the decision:

The Committee considered all the written evidence within the report and also gave careful consideration to the verbal explanation given by the applicant, but decided not to grant a Wyre Dual Driver's Licence as the applicant did not satisfy the criteria in the policy, in particular sections 10.3 and 15.1 and were not able to find any exceptional reasons to depart from the policy under section 1.10

The Licensing Authority confirmed it has an overriding duty to protect the public when considering the conduct of all licensed drivers. The ongoing scrutiny of the conduct and behaviour of Wyre's licensed drivers, forms part of that process and they want to provide assurance to the public, that all those entrusted to convey passengers, are "fit and proper" to hold Wyre Dual Driver Licences.

The meeting started at 6.00 pm and finished at 7.13 pm.

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