



Licensing Committee Minutes

Minutes of the meeting of the Licensing Committee of Wyre Borough Council held on Thursday 26 November 2015 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillor M Anderton	Councillor Ormrod
Councillor Beavers	Councillor Pimbley
Councillor Bridge	Councillor Robinson
Councillor Holden	Councillor Matthew Vincent
Councillor Moon	

Apologies: Councillors' Barrowclough, C Birch, Collinson, Smith and Wilson.

Officers present:

C Ferguson, Licensing Manager
N Greenwood, Head of Environmental Health & Community Safety
M Grimshaw, Senior Solicitor
D Parry, Taxi Licensing and Enforcement Officer
C Leary, Democratic Services Officer.

Non-members present: None.

Members of the public present: Mr Ian Millership MIHT CMILT – Taxi Expert and Transport Planner and Mr M for Item 7 only and Mr F and Mr R for Item 8 only.

No Members of the Press were present.

LIC. 20 **Declarations of interest**

None.

LIC. 21 **Confirmation of minutes**

The minutes of the Licensing Committee meeting held on Thursday 29 October 2015 were confirmed as a correct record.

LIC. 22 Hackney Carriage Survey-Results and determination of further limitation Policy

The Corporate Director of People and Places submitted a report to inform members of the outcome of a survey which was commissioned to identify if the current limit placed on the number of hackney carriage licences has resulted in any unmet demand for hackney carriages in the Borough.

Members were informed of the unmet demand for hackney carriages in the borough by Mr Ian Millership MIHT CMILT, the Taxi and Transport Planner from CTS Traffic and Transportation Limited, who gave a very interesting presentation.

Members asked Mr Millership for clarification of some points addressed in the survey and thanked him for the concise and informative presentation.

RESOLVED that Members accept the conclusions of the Unmet Demand Survey carried out by CTS and their findings that there is no significant unmet demand for hackney carriages within the Wyre Borough area.

The Committee concluded that for the reasons outlined in Appendix 1 of the report that it is in the best interest of both users and suppliers of taxi services to continue to control the numbers of hackney carriages and to maintain the number of hackney carriage vehicle licences at 160.

LIC. 23 Award of the two year contract for compliance testing of licensed vehicles

The Corporate Director of People and Places submitted a report to provide Members of the Licensing Committee with information to assist them to consider quotations for the testing of Hackney Carriage and Private Hire Vehicles, Landaus and Limousines and determine the Council's Authorised Testing Station (Nominated Garage) for the two years commencing from 1 April 2016 and expiring on 31 March 2018.

The selected garage will fulfil the Council's requirements for Vehicle Compliance Testing under the Exemption granted by the Secretary of State and under the provisions of Regulation 6 of the Motor Vehicles (Tests) Regulations 1981 (and as amended) from the requirements for a MoT Certificate for as long as the vehicle remains subject to a licence.

RESOLVED:-

That Members fairly considered both Tenders submitted, on the basis of which Tender most fulfilled the Council's requirements and the requirements of the Vehicle and Operator Services Agency (VOSA) and represents best value for the licensed Hackney Carriage and Private Hire trade over the next two years commencing 1 April 2016.

That following the inspections of each premises by Licensing Officers, it was noted that both garages met the necessary requirements for the contract. Members made their decision based on best value provided to the taxi and private hire trade.

That Garage B be awarded the two year contract for compliance testing of licensed vehicles for two years commencing 1 April 2016 and expiring on 31 March 2018.

LIC. 24 Exclusion of the Public and Press

RESOLVED that the public and press be excluded from the meeting whilst agenda items 7 & 8 are being considered, on the grounds that their presence would involve the likely disclosure of exempt information as defined in categories 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.

LIC. 25 Application for a new Wyre Council driver licence – applicant has a recent conviction

The Corporate Director of People and Places submitted a report to provide the elected Members of the Licensing Committee with the necessary information to assist them at a hearing.

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

The report fully outlined all the necessary details and information.

Mr M spoke to the committee, explaining the circumstances of his recent conviction for an IN10 motoring insurance offence.

Members of the committee asked questions of Mr M and he provided members with the background and information relating to the conviction.

The report noted that there were no other convictions or road traffic offences to declare.

RESOLVED that Mr M be granted a dual driver's licence to expire in line with the expiry date on his Biometric Residence Permit (18 June 2018) and including the 3 month rule for the duration of the first year.

LIC. 26

Application for a new personal licence where relevant offences have been declared

The Corporate Director of People and Places submitted a report to provide Members of the Licensing Committee with information to assist them at a hearing to determine whether a personal licence should be granted to a person who has been convicted of a relevant offence under the provisions of the Licensing Act 2003.

Before the item was heard, Mr F provided Members with copies of two letters of support he had received. One from the General Manager of Mr F's current employment and one from Mr F's Offender Manager.

Members were also provided with the Police submission, which provided further information and background on Mr F's offences. This was provided by the Police as unfortunately an officer was unable to attend the meeting.

Mr F was present at the meeting, along with Mr R the Night Manager of his current employment who was there to speak in support Mr F.

The report fully outlined all the necessary details and information.

Mr F spoke to the committee, explaining the circumstances of his unspent convictions and the objection raised by the police.

Members of the committee asked questions of Mr F and he provided members with the background and information relating to the convictions.

The report noted that there were no other convictions to declare at this time.

RESOLVED that having carefully considered the application, together with supporting letters from Mr F's employer and probation manager and also the representations made by the police, the Committee decided not to grant the application.

The reasons for the decision are as follows:

1. Mr F declared unspent convictions of wounding/ inflicting grievous bodily harm, assault and affray which are relevant offences under the Licensing Act 2003. A conviction followed on the 19 February 2015 at Preston Crown Court for these offences and the sentence imposed was 24 months, 12 months and 3 months suspended imprisonment to run concurrently, £750 victim compensation and a 2 year supervision requirement.
2. The police objected to the grant of the personal licence as they are satisfied that the granting of the application would seriously undermine the licensing objective concerning the prevention of crime.

3. The Committee noted the letter in support from Mr F's Probation Officer and were encouraged by the excellent progress made under the supervision order. The Committee also noted Mr F's maintained sobriety and absence of any further offending and attendance at SMART. The remorse shown was acknowledged and the support given by Mr F's employer was also noted.
4. Paragraph 35.5 of the Council's Licensing Policy states that the Licensing Authority will normally refuse applications for Personal Licences where there are recent 'relevant offences' and will only grant the application if satisfied that there are compelling reasons for so doing.
5. The Committee considered the police's objection and noted the serious nature of the offences and that the applicant is still within a 2 year suspended sentence period.
6. The Committee noted that Mr F could still work in his current role without a personal licence and although impressed with his progress to date, considered the application to be premature. The Committee found no compelling circumstances to justify the granting of the application on this occasion and concluded that the application, if granted, would seriously undermine the crime and disorder objective.

The Chairman explained that Mr F had the right to appeal against this decision and any such appeal must be lodged within a period of 21 days of receiving the letter from Wyre Council's Solicitor.

LIC. 27 Licensing Act 2003 – Review of Wyre's Statement of Licensing Policy

The Corporate Director of People and Places submitted a report to update the Licensing Committee on the outcome of the public consultation on the Draft Statement of Licensing Policy 2016 – 2021 and to consider the responses received during the consultation.

Members discussed the policy in detail and went through all the key messages and it was noted that this had been the subject of a full public consultation with responsible authorities, councillors, statutory and non-statutory bodies and licence holders. The previous policy was approved by full council and adopted in January 2011.

RESOLVED that the draft licensing policy be amended in line with the report and Appendix 4. Members agreed to recommend that the updated version be taken before full Council for the adoption of an approved Licensing Policy for 2016 – 2021.

The meeting started at 6.10pm and finished at 8.15pm

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